THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

FOURTEENTH SESSION.

1924.

VOLUME XIV—No. 2.

(18th to 20th February, 1924).

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1924.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWER-LYTTON, Earl of Lytton, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

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1. Land Revenue.
2. Land Acquisition.
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5. Excluded Areas.
6. European Education.

The Hon'ble Sir ABD-UR-RAHIM, Kt., in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration.
4. Jurisdiction.
5. Legislative.
6. Haj Pilgrimage.

The Hon'ble Sir HUGH STEPHENSON, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

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2. Political (excluding Haj Pilgrimage).
3. Police.
4. Jails.
5. Ecclesiastical.

The Hon'ble Mr. JAMES DONALD, C.S.I. C.I.E., I.C.S., in charge of the following portfolios:—

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2. Separate Revenue.
3. Commerce and Reserved Industrial Subjects.
4. Marine.

MINISTERS.

The Hon'ble Mr. SURENDRA NATH MULLIK, in charge of the following portfolios:—

Local Self-Government and Public Health.

The Hon'ble Maulvi ABUL KASIM FAZL-UL HUQ, in charge of the following portfolio:—

Education.

The Hon'ble Hadji Mr. ABDUL KARIM ABU AHMED KHAN GHUZNAVI in charge of the following portfolios:—

Agriculture and Public Works.

GOVERNMENT OF BENGAL.

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The Hon'ble Mr. H. E. A. COTTON, C.I.E.

DEPUTY PRESIDENT.

Major HASSAN SUHRAWARDY, M.D., F.R.C.S.

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Kumar SHIB SHEKHARESWAR RAY.

Sir WILLOUGHBY CAREY.

Babu JATINDRA NATH BASU.

Maulvi ERRAMUL HUQ.

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BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Rafi Uddin. [Jessore North (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Aley, Mr. S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Bakah, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. [Burdwan Landholders.]
Banerjee, Mr. Ashiny Coomar. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Bose, Babu Bejoy Krishna. (Calcutta University.)

C

Carey, Sir Willoughby, Kt. (Indian Mining Association.)
Chakravarti, Mr. Byomkes. (Bengal National Chamber of Commerce.)
Chakravorti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur, C.I.E. [Dacca West Rural (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Choinuddin, Khan Bahadur Maulvi Md. [Rajshahi North (Muhammadan).]

Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central (Non-Muhammadan).]
Cochran, Mr. A., C.B.E. (Bengal Chamber of Commerce.)
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Cottle, Mr. J. (Calcutta Trades Association.)
Crawford, Mr. T. C. (Indian Tea Association.)

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohon. [Faridpur South (Non-Muhammadan).]
Das, Mr. C. R. [Midnapore South (Non-Muhammadan).]
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
DeLisle, Mr. J. A. [Dacca and Chittagong (European).]
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Donovan, Mr. J. T. (Nominated Official.)
Dossa, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Dunn, Dr. T. O. D. (Nominated Official.)
Dutt, Mr. G. S. (Nomnated Official.)
Duval, Mr. H. P., C.I.E. (Nominated Official.)

E

Emerson, Mr. T., C.I.E. (Nominated Official.)

F

Faroqui, Mr. K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul, B.L. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Muncipal (Non-Muhammadan).]
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan. [Minister, Mymensingh West (Muhammadan).]
Godfrey, Sir George, Kt. (Bengal Chamber of Commerce.)
Goenka, Babu Badridas. (Bengal Marwari Association.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haider, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hoque, Maulvi Sayedal. [Noakhali (Muhammadan).]
Hossain, Khan Bahadur Maulvi Musharruf. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Maulvi Mahbubul. [24-Parganas Municipal (Muhammadan).]
Huq, the Hon'ble Maulvi A. K. Fazl-ul. [Minister, Bakarganj West (Muhammadan).]

J

Joardar, Maulvi Aftab Hossain. [Nadia (Muhammadan).]
Jones, Mr. J. A., C.I.E. [Presidency and Burdwan (European).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Rashid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat, B.A. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammed, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Lees, Mr. D. H. (Nominated Official.)

M

Mahammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Mahtab, the Hon'ble Sir Bijay Chand, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan. (Member, Executive Council.)
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Marr, Mr. A., C.I.E. (Nominated Official.)
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
McAlpin, Mr. M. C., C.I.E. (Nominated Official.)
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Mitter, Mr. Provash Chunder, C.I.E. (Presidency Landholders.)

Moberly, Mr. A. N. (Nominated Official.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nasimuddin, Khaje, M.A., (Cantab.), Bar-at-Law. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, the Hon'ble Sir Abd-ur., Kt. (Member, Executive Council.)
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N., Bar.-at-Law. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Maniloll Singh, C.I.E. [Burdwan (Non-Muhammadan).]

Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Chaudhuri, Mr. K. C. (Nominated Non-official.)
Roy Chaudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]
Roy Chaudhury, Babu Brajendra Kishore. (Dacca Landholders.)

S

Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sasmal, Mr. Birendra Nath. [24-Parganas Rural South (Non-Muhammadan).]
Sen, Mr. Nisith Chandra. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Stephenson, the Hon'ble Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Major Hassan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]
Swan, Mr. J. A. L. (Nominated Official.)

T

Tarafdar, Maulvi Rajb Uddin. [Bogra (Muhammadan).]
Travers, Mr. W. L., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Willis, Mr. Arthur d'Anyers. (Bengal Chamber of Commerce.)
Wilson, Mr. R. B., C.I.E. (Bengal Chamber of Commerce.)

Y

Yasin Maulvi Muhammad. [Burdwan Division North (Muhammadan).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Fourteenth Session.)

VOLUME XIV—No. 2.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 18th February, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Maulvi A. K. Fazl-ul Huq, the Hon'ble Hadji Mr. Abdul Karim Abu Ahmed Khan Ghuznavi, and 114 nominated and elected members.

Oath.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. H. P. DUVAL, C.I.E.
Babu AKHIL CHANDRA DUTTA.
Mr. G. MORGAN.
Mr. A. d'A. WILLIS.
Babu DEBI PRASAD KHAITAN.

Starred Questions

(answers to which were laid on the table).

Bidyamoyee Shikshalaya of Mymensingh.

***XXXI. Babu MANMOHON NEOGI:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(i) the amount sanctioned for the construction of the Boarding House attached to the Bidyamoyee Shikshalaya (High English Girls' School) at Mymensingh;

(ii) the number of girls that will be accommodated in the said boarding house;

(iii) the number of girls attending the school;

(iv) the number amongst them who are—

(a) Hindus,

(b) Muhammadans; and

(v) the names of the teaching staff showing in each case—

(a) educational qualifications,

(b) monthly salary, and

(c) religious creed?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Maulvi A. K. Fazl-ul Huq): A statement is laid on the Library table.

Munsifs at Jessore and Satkhira.

***XXXII. Maulvi ABDUL QUADER:** (a) Is the Hon'ble the Member in charge of the Judicial Department aware that the three Munsifs in the Sadar subdivision of the Jessore district and the three Munsifs in the Satkhira subdivision of the Khulna district have not work sufficient for the whole year round?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of abolishing one Munsifi from each of those two places?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (a) and (b) The state of the files in these Munsifs has been examined and orders have issued for the deputation of one of the Munsifs of Jessore Sadar to Bongaon. The present figures would not justify the reduction of the number of Munsifs at Satkhira. If, however, future figures render it possible one or more of the Munsifs will be used to assist in some other place.

Free Primary Education.

***XXXIII. Maulvi ABDUL QUADER:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what steps are being taken to introduce free Primary Eudcation in Bengal?

The Hon'ble Maulvi A. K. FAZL-UL HUQ: Government have during the last three years been willing and are still willing to assist local bodies in establishing free primary schools within their respective areas. The Education Department has accepted the offer of every local body that was willing to take up a scheme on the understanding

that Government and the local body would share the cost on a half-and-half basis. Schemes of free primary education have thus been sanctioned for 10 municipalities and 36 unions. In the present condition of finances it is obvious that Government cannot offer more generous terms.

Anti-malarial measures.

*XXXIV. **Babu MANMATHA NATH ROY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(i) what preventive and remedial measures are being taken during the ensuing financial year, 1924-25, to combat malaria in this Presidency; and

(ii) what allotments is it proposed to make in the next budget for this purpose?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. C. S. Dutt): (i) During the past few years over two millon people per annum have on the average been treated for malaria at Government hospitals and aided dispensaries throughout Bengal. It is anticipated that as many or more than this number will receive treatment during 1924-25.

A larger sum is proposed to be included in the budget for 1924-25 than has been possible during the past to meet the cost of free grants of quinine or cinchona febrifuge to local authorities for the treatment of malaria patients in their hospitals and dispensaries.

The anti-malarial projects which have been carried out at Meenglas, Jangipur, Singaran and Banka Valley will be continued and the work which has been done at Arool Bil, Manikhali, Madanpur, Saraswati, Kumarkhali and Bargachia will continue to be observed.

The possibilities of a comprehensive scheme for the reclamation of the Bhairab and other dead rivers in the districts of Jessore and Khulna are being examined by Government.

It is proposed to carry on an intensive anti-malarial campaign by helping voluntary organisations engaged in anti-malarial work and to assist them to spread their operations over a larger area. It is also proposed to place at the disposal of the Publicity Officer of the Public Health Department more effective propaganda material for educative publicity work against malaria.

Local authorities have also been addressed on the subject of undertaking remedial and preventive work against malaria in the ensuing year.

(ii) The allotment to be made for the purposes stated above is now under the consideration of Government in connection with the budget.

Bengal Exhibits in British Empire Exhibition.

*XXXV. **Babu NALINIRANJAN SARKAR:** (a) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what space in the Bengal Court of the British Empire Exhibition is available for the exhibits, and what portion thereof has been taken up by private exhibitors and what are they?

(b) Have the exhibits of cottage industries, to be displayed as Government exhibits, been selected?

(c) If so, who purchased them, and at what cost was the purchase made?

(d) Were the articles purchased from the Calcutta Exhibition stalls? If not, why not?

(e) Have the stall-holders made any representation in the matter?

(f) Who purchased the exhibits from the mufassal, if any?

(g) Were any Government servants employed for the purpose?

(h) If so, who paid for their travelling expenses?

(i) How was the purchase made in such cases and what arrangements were made for payment?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (a) About 6,000 square feet of space is available for exhibits and out of it, 3,100 square feet have been taken up by private exhibitors who are, with the exception of two local bodies and one private association, all commercial and trading firms—European and Indian. The remaining space will be fully taken up by the exhibits from Government Departments and the products of cottage industries.

(b) Yes.

(c) These were selected by the Bengal Commissioner for the British Empire Exhibition with the advice of a Committee. The total price paid amounts to Rs. 22,331.

(d) The selection was in the first instance made from the Calcutta Exhibition, but this had to be supplemented by purchase from the districts in order to make the collection representative by including within it the products of the various arts and crafts in this Province.

(e) No.

(f) Local officers and selected non-officials.

(g) Yes.

(h) The Departments concerned.

(i) The goods were taken over subject to approval after inspection and generally they were brought or despatched by rail to Calcutta by the dealers or their agents. The prices were paid out of the Government grant made for the participation of this Province in the British Empire Exhibition.

Tea Gardens Public Health Bill.

*XXXVI. **Mr. NISITH CHANDRA SEN:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government contemplate proceeding with the second reading of the Bengal Tea Gardens Public Health Bill, 1923?

(*b*) Was the District Board of Jalpaiguri formally consulted, before the framing of the Bill, about the taking away from the District Board the powers of administration it at present exercises in regard to public health in the tea garden area?

(*c*) If so, will the Hon'ble the Minister be pleased to lay a copy of the Board's opinion on the table?

(*d*) Was the District Board of Jalpaiguri formally invited to send its representatives to the Conference held at Darjeeling under the presidency of the Hon'ble the Maharajadhiraja Bahadur of Burdwan, Member, Executive Council, for discussing the question of public health legislation in the tea-garden area in the Duars of the Jalpaiguri district?

(*e*) Will the Hon'ble the Minister be pleased to state the names and designations of the gentlemen—

(*i*) who were invited to the Conference; and

(*ii*) who attended the same?

(*f*) Will the Hon'ble the Minister be pleased to state why and under what circumstances the representatives of the Indian Tea Planters' Association of Jalpaiguri, which had of its own motion requested for permission to send their representatives, could not attend the said Conference?

(*g*) What is the total area which the Committee, appointed by the said Conference, recommended to be placed under the proposed Tea Gardens Board of Health to be constituted under the provisions of the Bill?

(*h*) How much of such total area is formed of tea lands and how much of non-tea lands?

(*i*) What is the total number of jotedars or other tenants, who pay an annual rent of less than Rs. 20 a year, holding land directly under or paying rent directly to the Government within the area so recommended?

(*j*) What is the population per square mile in the area so recommended both including and excluding the Tea Gardens?

(*k*) What is the amount of Public Works Cess realised annually from the area so recommended?

(*l*) Has the District Board of Jalpaiguri submitted to the Government its opinion on the general principles and the details of the Bill?

(*m*) If so, will the Hon'ble the Minister be pleased to lay a copy of the opinion on the table?

Mr. C. S. DUTT: (*a*) The Bill lapsed with the dissolution of the last Council. The Minister who has recently taken charge of the Local Self-Government Department is examining the Bill and the opinions received on it and has not yet come to a decision whether to reintroduce the Bill in its present form or with modifications.

(*b*) A Conference of the representatives of the tea industry and some of the local officers of Government was held at Darjeeling on the 2nd October, 1920, under the presidency of the Hon'ble the Maharajadhiraja Bahadur of Burdwan to discuss the question of the sanitary administration of the tea gardens in the Duars. The Conference passed a resolution that sanitary legislation with regard to the tea-gardens area should be on the terms of the Bihar and Orissa Mining Settlement Act. The Conference appointed a local committee to consider what area should be included within the scope of the proposed Board of Health for the Duars. The Vice-Chairman of the Jalpaiguri District Board was a member of this committee.

A Bill was subsequently drafted and circulated among the local associations interested as well as to the Jalpaiguri District Board. The provisions of the Bill were considered at another Conference held in October, 1921, to which two representatives of the District Board, viz., the Chairman and Vice-Chairman were invited but which was attended by the former. The Bill was then revised chiefly in the light of the modifications accepted at the Conference, and it was at this stage that the opinion of the Jalpaiguri District Board was formally invited through the Commissioner of the Division on the provisions of the revised Bill.

(*c*) A copy of the District Board's opinion is laid on the Library table.

(*d*) As this was a preliminary Conference at which Government wanted to elicit the opinion of the representatives of the tea industry on the question of the proposed legislation for improving the sanitary and medical arrangements in the tea gardens, Government did not consider it necessary to consult the District Board of Jalpaiguri at this stage.

(*e*) (*i*) The names of the gentlemen invited to the Conference are given below:—

Representatives of the Duars Planters' Association.

(1) The Commissioner of the Rajshahi Division.
(2) The Hon'ble Mr. W. L. Travers.
(3) Mr. A. S. Macalister.
(4) Mr. H. F. Briggs.
(5) Mr. F. M. Graham.
(6) Mr. A. C. Sen.

Representatives of the Indian Tea Association.

(7) Mr. A. H. R. Cowdel.
(8) Mr. T. A. Whitmore.
(9) Mr. W. J. Gray.
(10) Mr. J. C. Munro.
(11) The Hon'ble Samuel Best.

Medical and Sanitary Officers.

(12) Lt.-Colonel F. R. S. Cosens, T.D.
(13) Captain E. M. Marjoribanks.
(14) Dr. J. W. Tomb, Chief Sanitary Officer, Asansol Mines Board of Health.
(15) The Sanitary Commissioner, Bengal.
(16) The Sanitary Engineer, Bengal.
(17) Lt.-Colonel A. C. MacGilchrist, I.M.S., Civil Surgeon of Jalpaiguri.

(*e*) All these gentlemen with the exception of Nos. (2), (13) and (16) attended the Conference. Mr. Field, a representative of the Indian Tea Association, also attended.

(*f*) Through an oversight the Indian Tea Planters' Association was not at first invited. The Association asked for permission to send its representatives to the Conference at the last moment, and a wire was sent on 1st October, 1920, inviting them to the Conference. It is presumed that the representatives failed to attend on account of the short notice.

(*g*) A copy of the proceedings of the meeting of the Committee held on 16th November, 1920, is laid on the Library table.

(*h*) to (*k*) Government have no information.

(*l*) Yes.

(*m*) A copy of the opinion of the Jalpaiguri District Board is laid on the Library table.

Mr. NISITH CHANDRA SEN: With reference to answer to question (*a*), may I inquire if there is any likelihood of Government coming to any decision at an early date?

Mr. C. S. DUTT: I am not in a position to answer the question now without referring it to the Hon'ble the Minister.

Mr. NISITH CHANDRA SEN: With reference to answer to questions (*h*) to (*k*), may I inquire when is Government likely to have information on the points?

Mr. C. S. DUTT: We are prepared to inquire and get the information.

Railway connection between Arakan and Chittagong.

***XXXVII. Mr. J. M. SEN GUPTA:** (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works (Railways) be pleased to state whether there is any proposal to construct a metre gauge railway line connecting Chittagong with Arakan, through the most thickly populated localities within the Chittagong Municipality, namely, Alkaran, Bandel, and Patharghata?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Survey for the construction of the said line through the said localities is already complete?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Minister be pleased to state whether the Chittagong Municipality or its ratepayers have been consulted?

(*d*) Will the Hon'ble the Minister be pleased to state whether it has received any memorial from the residents of the Chittagong Municipality protesting against the construction of the said metre gauge railway line connecting Chittagong with Arakan through Alkaran, Bandel, Patharghata and other localities?

(*e*) Will the Hon'ble the Minister be pleased to state whether there was any other proposal for the construction of the line through a portion of the district of Chittagong and outside the municipal area?

(*f*) If the answer to (*d*) is in the affirmative what action, if any, are the Government taking on the memorial?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (*a*) Yes.

(*b*) It is understood that the survey of the line is complete.

(*c*) Government are informed that the Chittagong Municipality were consulted and they agreed to this alignment with certain reservations about crossing and drainage, etc.

(*d*) Yes.

(*e*) Yes.

(*f*) The Railway Board have not yet taken the opinion of the local Government and due consideration will be given to the memorials and protests when the local Government submit their opinion to the Railway Board.

Mr. J. M. SEN GUPTA: Will the Hon'ble the Minister in charge tell us whether these memorials and protests will be sent on in the meantime to the Railway Board of the Government of India?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: They have been sent on already.

Dacca Islamic Intermediate College.

*XXXVIII. **Major HASSAN SUHRAWARDY:** (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the Dacca Islamic Intermediate College enjoys the same status as other Intermediate Colleges under the Dacca Intermediate Board?

(b) Is it a fact that in the case of the Islamic Intermediate College the pre-intermediate classes are also attached to the College and are under the same management?

(c) Will the Hon'ble the Minister be pleased to state whether the same pay and status is in contemplation for the Head Clerks of all Intermediate Colleges including the Head Clerk of the Dacca Islamic Intermediate College?

The Hon'ble Maulvi A. K. FAZL-UL HUQ: (a) The reply is in the affirmative.

(b) Yes, except that in the present stage of the development of the college, it would be more correct to say that the college is attached to the pre-intermediate classes.

(c) The question will be considered when the post of the Head Clerk of the Dacca Islamic Intermediate College is made permanent. At present it is temporary.

Jessore water supply and reclamation of dead rivers.

*XXXIX. **Maulvi ABDUL QUADER:** (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(i) the steps that are being taken by the Government and the District Board to cope with the scarcity of drinking water awaiting the people in the Jessore district in the near future owing to the paucity of rainfall this year; and

(ii) whether the Government intend helping the District Board with any special grant?

(b) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government have before them at present any project for the reclamation of the Bhairab and other dead rivers of the Jessore district?

(c) If not, are the Government considering the desirability of making a practicable scheme and of carrying it out as early as possible?

Mr. G. S. DUTT: (a) (i) The provision of an adequate water supply in rural areas is essentially a matter for local effort on the part of the District and Union Boards. Formerly Government used to make grants from

provincial revenues to district boards for the improvement of water supply, but these grants have been discontinued since the surrender of the Public Works Cess, by which the income of district boards was practically doubled. At the time of transferring this cess it was enjoined that the district boards should devote a substantial portion of this cess on water supply and village sanitation. The last District Board Conference passed a resolution to the effect that at least 33 per cent. of the Public Works Cess proceeds should be devoted to sanitation and water supply. Government accepted this resolution and district boards were asked to give effect to this recommendation from the current year.

Under the Local Self-Government Act District Boards are entrusted with the general responsibility for water supply in their respective districts. Under the Village Self-Government Act Union Boards have specific powers to control and provide water supply in the villages within their jurisdiction. Government have consistently urged upon these local authorities the need for taking action in regard to the improvement of the water supply in the areas which they control.

The Jessore District Board spent 20 per cent. of its Public Works Cess on water supply in 1922-23.

In the current year the District Board has sanctioned the sinking of 100 earthen ring-wells in villages likely to be affected, and has provided Rs. 36,200 or 31·5 per cent. of their Public Works Cess in the revised budget for the current year for the purpose.

(*ii*) The District Board has not asked for any special grant for this purpose and Government have at present no funds out of which such a grant can be made.

A general scheme for making small subsidies to Union Boards in order to encourage them to take up projects of rural water supply is now under the consideration of Government and a provision of Rs. 50,000 is being made for this purpose in the next year's budget.

(*b*) The possibilities of a comprehensive scheme for the reclamation of the Bhairab and other dead rivers in the Jessore district are being examined by Government.

(*c*) The question does not arise.

Unstarred Questions

(answers to which were laid on the table).

Scavenging railway of Calcutta Corporation.

45. Babu SATYA KISHORE BANERJEE: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the Municipal scavenging railway in Calcutta has been condemned

as being detrimental to the health of a large number of the population of Calcutta?

(b) If so, are the Government considering the desirability of taking immediate steps for the removal of the railway?

Mr. C. S. DUTT: (a) Yes.

(b) The removal of the railway is primarily a matter for the Calcutta Corporation. A copy of the report of the Chairman of the Corporation is placed on the Library table.

Deprovincialisation of Taki Model Girls' School.

46. *Rai HARENDRANATH CHAUDHURI: (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(i) whether it is a fact that there are only 44 Government primary schools for girls in Bengal, and

(ii) whether it is a fact that the Government are going to deprovincialise all of them?

(b) If the answer to clause (ii) be in the negative, will the Hon'ble the Minister be pleased to state the reasons why the Taki Model Girls' School is going to be deprovincialised?

(c) Is the Hon'ble the Minister aware that it is one of the oldest institutions of the kind?

The Hon'ble Maulvi A. K. FAZL-UL HUQ: (a) (i) No. There are 68 Government Primary Girls' Schools of which 44 are Model Primary Schools.

(ii) Of the Model Primary Schools 2 are to be abolished and 42 are to be deprovincialised. Though the schools will be deprovincialised they will receive suitable grants-in-aid, which will ensure their continuance.

(b) Deprovincialisation of these schools was recommended by the Retrenchment Committee.

(c) Government is aware that the school has existed for many years.

Retirement of Imperial Service Officers on proportionate pension.

47. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(i) how many of the Indian Civil Service men holding appointments under the Government of Bengal have hitherto retired on proportionate pension before their due time;

(ii) how many of the other superior (Imperial) services holding appointments in Bengal have similarly retired up to date;

(iii) how many of them retired under the rules for premature retirement before the 5th July, 1922;

(iv) how many of the officers mentioned above are still in the enjoyment of leave preparatory to such retirement; and

(v) how many of them have obtained employment in other departments under the Crown?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The numbers given below refer to persons who have been given permission by the Secretary of State to retire on proportionate pension:—

(i) Fifteen officers of the Indian Civil Service.

(ii) Eighteen officers of the Indian Police Service; six officers of the Indian Educational Service; two officers of the Indian Forest Service; and one officer of the Indian Agricultural Service.

(iii) One officer of the Indian Police Service.

(iv) Ten officers of the Indian Civil Service; six officers of the Indian Police Service; five officers of the Indian Educational Service; one officer of the Indian Agricultural Service; and one officer of the Indian Forest Service.

(v) The local Government have no information.

Retirement on age limit.

48. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state how many persons (excluding menials and chaprasis) are due to retire on the question of age limit in the year 1924 in the—

(a) Excise Commissioner's office,

(b) Co-operative Department's office,

(c) Civil Veterinary Department office,

(d) Fisheries office,

(e) Agriculture Department's office, and

(f) Office of the Secretary to Agriculture and Industries?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: The information is not immediately available and its compilation would involve an amount of trouble incommensurate with its utility.

Retirement on age limit.

49. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Political Department be pleased to state

how many persons (excluding the menials and chaprasis) are due to retire on account of age limit during the year 1924 in the offices of the—

(a) Chief Secretary;

(b) Private Secretary; and

(c) Military Secretary?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The information is not immediately available and its compilation would involve an amount of trouble incommensurate with its utility.

Retirement on age limit.

50. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Police Department be pleased to state how many persons (excluding menials and chaprasis) are due to retire on account of age limit during the year 1924 in the office of the—

(a) Inspector-General of Police,

(b) Superintendent of Police of each district,

(c) Calcutta Police Commissioner,

(d) Secretary to the Police Department of the Bengal Secretariat, and

(e) Inspector-General of Prisons?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The information is not immediately available and its compilation would involve an amount of trouble incommensurate with its utility.

Natore water works.

51. Khan Bahadur Maulvi Md. CHOINUDDIN: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the last three years' experiments have shown that the average quantity of rain water annually collected in the reservoir of the Natore water works is capable of supplying the needs of the entire population of the whole municipality of Natore?

(b) If the answer to (a) is in the negative, will the Hon'ble the Minister be pleased to state whether it has been considered that the deficit can be supplied by sinking a tube-well with four-inch diameter?

(c) What will be the initial and working expenditure for such a tube-well?

Mr. C. S. DUTT: (*a*) So far as Government are aware the average quantity of rain water annually collected is supplying the needs of the entire population of Natore municipality.

(*b*) and (*c*) The questions do not arise.

Executive and ministerial officers of Agricultural and Industrial Departments.

52. **Khan Bahadur Maulvi Md. CHOINUDDIN:** Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing the number of executive and ministerial officers and the scale of pay in each grade before and after the Retrenchment in the—

(*i*) Agricultural Department; and

(*ii*) Industries Department?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 52 showing the number of executive and ministerial officers and the scale of pay in each grade in the Agricultural and Industries Departments before and after the Retrenchment.

Class and Designation.	Number of Officers.		Scale of Pay.		Remarks.
	Before Retrenchment.	After Retrenchment.	Before Retrenchment.	After Retrenchment.	
1	2(a)	2(b)	3(a)	3(b)	4
Agriculture Department.					
Executive.					
(Gazetted.)					
Indian Agricultural Service.			Rs.	Rs.	
1. Director of Agriculture ..	1	1	2,000—50—2,250	2,000—50—2,250	
2. Deputy Directors of Agriculture.	4	3	350—50—1,250 (with overseas pay ranging from 150—250 where admissible.)	350—50—1,250 (with overseas pay ranging from 150—250 where admissible.)	
3. Deputy Director of Sericulture.	1	1	Ditto.	Ditto.	
4. Fibre Expert to the Government of Bengal.	1	1	Ditto*	Ditto*	*Mr. R. S. Finlow, the holder of the post of Fibre Expert, is in the selection grade of Rs. 1,250—50—1,500 with an overseas pay of Rs. 250 a month. He is now officiating as Director of Agriculture, Bengal.
5. Economic Botanist to the Government of Bengal.	1	1	Ditto	Ditto	
6. Second Economic Botanist to the Government of Bengal	1	1	Ditto	Ditto	
7. Agricultural Chemist to the Government of Bengal.	1	1	Ditto	Ditto	

Class and Designation.	Number of Officers.		Scale of Pay.		Remarks.
	Before Retrenchment.	After Retrenchment.	Before Retrenchment.	After Retrenchment.	
1	2(a)	2(b)	3(a)	3(b)	4
Agriculture Department—*concld.*					
Bengal Agricultural Service.			Rs.	Rs.	
1. Superintendents of Agriculture.	8†	5†	250—20—550—20—750.	250—20—550—20—750.	†Includes the post of Superintendent of Agriculture for Darjeeling district.
2. Superintendents of Sericulture	2	3	Ditto.	Ditto.	
3. Sericultural Research Expert	1	Nil.	350—20—750	Nil.	
(Non-gazetted).					
Subordinate Agricultural Service, Class I.					
1. District Agricultural Officers	60	40‡	75—100—5—200	75—100—5—200	‡It has been decided to reduce the number of district Agricultural Officers but the number of officers to be retained has not yet been settled. Twenty temporary District Agricultural Officers have been discharged.
Subordinate Agricultural Service, Class II.					
1. Field Assistants, Assistant Superintendents and overseers of Agricultural Farms.	25	25	50—2½—100	50—2½—100	
Lower Subordinate Agricultural Service.					
1 Demonstrators	157	129§	25—30—2/2—50	25—30—2/2—50	§It has been decided to retain 80 demonstrators, but the officers to be discharged have not yet been selected. Pending orders about the discharge of officers 28 unconfirmed and temporary hands have been discharged

2. Fieldmen under Expert Officers.	6	6	Ditto.	Ditto.
Sericultural Branch.				
1. Nursery Superintendent ..	1	1	110—15—245	110—15—245
2. Nursery Superintendents ..	4	5	100	4 on 100 ; and 1 on 75
3. Assistant Superintendent ..	11	8	1 on 30 ; 5 on 50 ; and 5 on 75.	30 ; 50 ; and 75.
4. Inspectors	5	4	1 on 100—5—200 ; 1 on 40 ; 2 on 30 ; 1 on 20.	1 on 100—5—200 ; 2 on 30 ; 1 on 20.
5. Overseers	47	43	36 on 20 ; 3 on 25 ; 1 on 30 ; 1 on 35 ; 3 on 45 ; 1 on 50 ; 1 on 55 ; and 1 on 70.	38 on 20 ; 3 on 25 ; 2 on 30.
6. Supervisors	14	10	25	25
7. Assistants	7	3	1 on 250 ; 1 on 130 ; 1 on 105 ; 2 on 50 ; and 2 on 30.	1 on 50 ; and 2 on 30
MINISTERIAL.				
Personal Assistant to the Director of Agriculture . ..	1	1	400—20—600	400—20—600
Head Assistant ..	1	1	200—10—250	200—10—250
Upper Division Assistants ..	4	4	125—15/2—200	125—15/2—200
Lower Division Assistants ..	17	17	45—45—50—3—110—5—120	45—45—50—3—110—5—120
Stenographer ..	1	1	80—5—175	80—5—120
Accounts Clerks ..	4	4	75—5—125	75—5—125
Head Clerks ..	4	4	75—5—100	75—5—100
Clerks ..	16	16	40—40—45—5/2—100	40—40—45—5/2—100
Clerks	10	10	35—35—40—2—68—3/2—80	35—35—40—2—68—3/2—80
Clerks	5	Nil.	1 on 50 ; 1 on 40 ; 1 on 35 ; 2 on 30.	Nil.

Class and Designation.	Number of Officers.		Scale of Pay.		Remarks.
	Before Retrenchment.	After Retrenchment.	Before Retrenchment.	After Retrenchment.	
1	2(a)	2(b)	3(a)	3(b)	4
Industries Department.					
Executive.			Rs.	Rs.	
1. Director of Industries, Bengal.	1*	1*	2,000—50—2,250	2,000—50—2,250	*No decision has yet been arrived at in regard to the recommendations of the Retrenchment Committee regarding abolition of the post of Director of Industries and retention of the Deputy Director of Industries as Director of Industries on the existing pay and the abolitions of the post of Industrial Chemist.
2. Deputy Director of Industries, Bengal.	1*	1*	1,800	1,800	
3. Inspector of Technical and Industrial Institutions.	1	1	1,550—50—1,750†	1,550—50—1,750†	†This pay is personal to Mr. Everett. The pay attached to the post, however, is the time-scale pay of the Indian Educational Service excluding the selection grade (400—1,250 plus overseas pay when admissible).
4. Industries Engineer ..	1	(Vacant).	1,000	1,000	
5. Industrial Chemist ..	1	1	1,000	1,000	
6. Superintendents of Industries	5	Nil.	200—20—700	Nil.	
Ministerial.					
Superintendent ..	1	‡	500	‡	‡Final decision has not yet been come to in regard to the number and pay of ministerial officers in the Office of the the Director of Industries, Bengal.
Upper Division Assistants ..	19		120—10—350		
Lower Division Assistants ..	41		45—45—50—3—110—5—120.		
Stenographer	1		80—5—175		
Accountant	1		150—5—200		

Conciliation Boards.

58. Mr. M. DAUD: (*a*) Will the Hon'ble the Member in charge of the Department of Commerce be pleased to lay on the table a statement showing—

(*i*) the general working of the Conciliation Boards formed to deal with the industrial disputes in Bengal during the years 1921 to 1923;

(*ii*) the number of strikes during the period and the number of men involved;

(*iii*) the number of applications received from the parties concerned in such disputes; and

(*iv*) the number of cases in which the Board interfered and the results of such interferences?

(*b*) Are the Government considering the desirability of appointing a Compulsory Conciliation Board for early settlement of industrial strikes?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald): (*a*) (*i*) The First Conciliation Panel was constituted in Government Resolution No. 3268-Com., dated the 29th August, 1921. As the Member, who was a Member of the Panel for 1922-23, is aware, the Conciliation Panel was intended to deal with disputes in public utility services only, although it was also suggested that its services might be utilised in other disputes, with the consent of both parties. Before the creation of the Panel, an *ad hoc* Conciliation Board was appointed to deal with a strike on the light railways round Calcutta. This Board was appointed on 5th July, 1921, and its report was published with the Government Resolution No. 2780 Com., dated the 25th July, 1921.

Since the constitution of the Panel no case has arisen in which Government have considered it necessary to form a Conciliation Board from the Panel.

(*ii*) Number of strikes from January, 1921, to March, 1922—161; number of work people involved—354,500.

For the figures from April, 1922, to March, 1923, the member is referred to the reply to question No. 49 (*i*) asked by Mr. K. C. Roy Chaudhuri on the 15th August, 1923. Complete figures for 1923 are not yet available.

(*iii*) Six, including the joint application in the light railways strike.

(*iv*) See reply to (*i*) above.

(*b*) No.

Appointments or dismissals by Forest Officers of Khulna.

54. Maulvi SAYYED SULTAN ALI: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the names of the District Forest Officers of Khulna for the last ten years;

(*ii*) the number of appointments and dismissals of officers, except forest guards and coup overseers, made by each of them; and

(*iii*) the name and caste of each of the persons so appointed or dismissed?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*i*) to (*iii*) The information wanted is not available in the Secretariat and the labour involved in obtaining it is not commensurate with its utility.

Retirement on age limit.

55. Maulvi Md NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state how many persons (excluding menials and chaprasis) are due to retire on account of age limit during the year 1924 under—

(*a*) the Bengal Secretariat Press, and

(*b*) the Secretary to the Finance Department?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*a*) Seven.

(*b*) Two.

Unemployment of seamen.

56. Mr. M. DAUD: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to lay on the table a statement showing—

(*i*) the number of seamen registered in the Shipping Office;

(*ii*) the number of them engaged on board ships during the period from 1921 to 1923; and

(*iii*) the number of them that remained unemployed during the same period?

(*b*) Is it a fact that in May, 1923, the Indian Seamen's Union asked the Government to solve the unemployment question of seamen?

(*c*) If so, what action have the Government taken in this direction?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) (*i*) One hundred and eighty-six thousand and fifty-nine. It is not known how many of these are dead or have ceased to go to sea.

(*ii*) The total number of entries of seamen shipped during the years 1920-21 to 1922-23 is 117,498. It is impossible to ascertain how many of the registered seamen are included in this figure, without compiling statistics which would involve labour incommensurate with the value of the information obtained.

(*iii*) Roughly 10,500 in Calcutta and its suburbs.

(*b*) Yes.

(*c*) No action can be taken pending the decision of the Government of India on the recommendations of the Seamen's Recruitment Committee.

Licensed shipping brokers and their sarkars in Calcutta Port.

57. **Mr. M. DAUD:** Will the Hon'ble the Member in charge of the Marine Department be pleased to lay on the table a statement showing—

(*i*) the number of licensed shipping brokers in the Port of Calcutta;

(*ii*) the dates when the terms of their respective current licenses will expire; and

(*iii*) the number of under-brokers (dalals), ghat butlers and sarkars employed under each broker with their names?

The Hon'ble Mr. J. DONALD: (*i*) Six.

(*ii*) 31st March, 1924.

(*iii*) The brokers report that they employ no under-brokers (dalals) or ghat butlers, and that their sarkars are as follows:—

I. *Name of Broker.*—Sisir Kumar Ghosh.

Name of Sarkar.—Shaik Abdul Jabbar.

II. *Names of Joint Brokers* Poolin Behary Sen; Gobin Behary Sen; and Gonesh Chandra Sen.

Names of Sarkars—Ashutosh Chakrabarty; Bijoy Kumar Ghosh; Kushodhoj Roy; Sreenath Dutta; Shaik Someer; Akhil Chandra Sircar; Peary Mohan Sircar; Shaikh Sabor; Charu Chandra Sircar; Wapendra Nath Sircar; Cassim; Toonia; Harinarayan Sarcar; Shaik Baboo; Alleejan; and Choonoo.

III. *Names of Joint Brokers*—A. C. Ghose and P. C. Ghose.

Names of Sarkars—Satish Chandra De; Jatindra Nath Bose; Gungadhar Das; Bijoy Krishna Sarcar and Bepin Behary Sarkar.

Proposed Howrah Improvement Trust Bill.

58. **Babu KHAGENDRA NATH GANGULY:** (*a*) With reference to the report of the proceedings of the Conference held on the 2nd August, 1922, in connection with the question of creating a Trust for the improvement of Howrah, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether the assurance given by the Hon'ble the Minister and recorded in the minutes of proceedings of the Conference has been fulfilled; and

(*ii*) when he proposes to introduce into the Council the draft Bill as referred to in the concluding paragraph of the report?

Mr. C. S. DUTT. (*a*) (*i*) and (*ii*) The question of preparing a draft Bill for creating a separate Trust for the improvement of Howrah is under the consideration of Government. The financial proposals involved in the creation of the Trust depend partly on the settlement of the finances of the new Howrah Bridge, and no definite statement can therefore be made as to when Government will be in a position to introduce the proposed Howrah Improvement Trust Bill into the Council.

Babu KHAGENDRA NATH GANGULY: Will the Government be pleased to inform the House whether it will be in a position to introduce the proposed Howrah Improvement Trust Bill within the course of the year 1924?

Mr. C. S. DUTT: I think the answer given meets the question. We are not in a position to say now when Government will be able to introduce the Bill.

Landlords' fees realised in registration offices.

59. **SHAH SYED EMDADUL HAQ:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue be pleased to lay on the table a statement showing, district by district, for the Presidency of Bengal—

(*i*) the total amount realised as landlords' fees in Registration offices from the years 1886 to 1920;

(*ii*) how much of the amount realised has been paid to the landlords;

(*iii*) how much of it has lapsed to the Government; and

(*iv*) under what head of the budget has the lapsed amount been credited?

(*b*) Will the Hon'ble the Member be pleased to state whether the lapsed money has been spent by the Government?

(c) If so, on what purposes has the same been spent?

(d) If the lapsed amount has not been spent, are the Government considering the desirability of spending the money on charitable purposes?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (a) (i) and (ii) Figures for each district separately are not available. A statement is laid on the table showing divisional particulars from the year 1897-98, prior to which the information required is not forthcoming from the records.

(iii) No separate account is maintained and the information is not available. The amounts lapse after three years.

(iv) The landlords' fees which are declared forfeited are credited to Government under the head "XXXV.—Miscellaneous—Miscellaneous—Fees, Fines and Forfeitures."

(b) They are merged in the Provincial balances.

(c) and (d) In view of the reply to (b) above, these do not arise.

Statement referred to in the reply to clauses (a) (i) and (ii) of unstarred question No. 59.

	Amount realised.	Amount paid.
	Rs.	Rs.
Burdwan Division ..	7,93,980	3,55,571
Presidency Division ...	6,50,774	2,19,148
Dacca Division ...	7,32,509	2,55,416
Chittagong Division ...	7,27,791	3,65,509
Rajshahi Division ...	1,13,743	32,026

Ministerial staff in the Registration Department.

60. SHAH SYED EMDADUL HAQ: (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state the total number of ministerial officers in the Registration Department in the Bengal Presidency and the grades that have been sanctioned for them under the revised scheme of pay?

(b) Is it not a fact that the amount of work done by the ministerial officers of the Registration Department is just the same as that done by the ministerial officers of the civil and criminal offices?

(c) If so, what are the reasons for the differentiation between the scale of the pay of the Registration ministerial officers and that of the ministerial officers of the civil and criminal departments?

The Hon'ble Maulvi A. K. FAZL-UL HUQ: (*a*) The total number of ministerial officers in the Registration Department including those in the office of the Registrar of Calcutta is 1,277.

The scale of pay is as follows:—

Calcutta Registration Office.

Rs. 125—10—175; Rs. 90—4—110; Rs. 40—40—45—2—85 (efficiency bar at Rs. 65); Rs. 35—1—45.

Registration Offices (Head Quarters and Head Quarters Joint).

Rs. 60—4—80; Rs. 40—2/2—60 (efficiency bar at Rs. 50); Rs. 30—½—40 (efficiency bar at Rs. 35); Rs. 25—½—35 (Apprentices).

Registration Offices (Rural).

Rs. 35—½—45 (efficiency bar at Rs. 40); Rs. 25—½—45 (efficiency bar at Rs. 30).

(*b*) The question is not clear. Ministerial officers of the Registration Department like other whole-time servants of Government are expected to do a full day's work.

(*c*) The pay of ministerial officers of the Registration Department was recently revised by the Ministerial Officers' Committee and the revised scale, as fixed by the Committee, gave a substantial increase over the original pay of these officers. This scale was fixed not only in consideration of the amount of work to be done by these officers but also of other factors such as the nature of the work, and the qualifications required of them at the time of recruitment.

Committee to consider Kazi and Muhammadan Marriage Registration Acts.

61. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state how many sittings there were of the Committee formed to consider all matters concerning Kazi and Muhammadan Marriage Registration Acts together with my Bill, up to the close of the last year?

(*b*) Is it a fact that no final decision has been arrived at regarding the subject-matter by the Committee?

(*c*) Is the Hon'ble the Minister also aware that Maulvi Shah Syed Emdadul Haq, as a member of the said Committee, requested the President of the said Committee to call a meeting of the Committee but that he did not do so for a long time?

(*d*) Is it a fact that for want of money no meeting was called?

(*e*) Will the Hon'ble the Minister be pleased to state whether the old Committee is in existence?

(*f*) If the answer to (*e*) is in the negative, have the Government taken any action in regard to coming to a decision on the above-mentioned subject?

The Hon'ble Maulvi A. K. FAZL-UL HUQ: (*a*) Two sittings.

(*b*) The answer is in the affirmative. The Committee consisted of 19 members of whom 12 were members of the Bengal Legislative Council. The President of the Committee accordingly considered it desirable to convene meetings of the Committee during the session of the Council. The first meeting was held on 22nd November, 1922, in which only 7 members, besides the President and the Secretary were present. As the attendance was small and as the members wanted further literature on the subject, the meeting was adjourned to a convenient date during any session of the Legislative Council next year. The second meeting of the Committee was arranged for the 3rd of July, 1923; but for want of a quorum it was adjourned till the August session of the Council. No further meeting could however be arranged as the time of most of the members was fully occupied during the August session.

(*c*) The Minister in charge has no information to this effect. The President reports that to the best of his recollection Maulvi Shah Syed Emdadul Haq did not request him to call any meeting other than the two actually called.

(*d*) The answer is in the negative.

(*e*) The Committee has not been dissolved, but the question of its reconstitution is under consideration.

(*f*) The question does not arise.

Middle class unemployment.

62. Dr. H. W. B. MORENO: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a copy of the Report of the Committee on middle class unemployment in Bengal, including that of Anglo-Indians?

(*b*) Is the Hon'ble the Minister aware of the present daily increasing distress among Anglo-Indians especially?

(*c*) What immediate action is intended to be taken to meet the situation?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) The Report of the Committee is not yet ready.

(*b*) It is understood that there is considerable distress among the class referred to.

(*c*) Government are awaiting the suggestions of the Committee.

Levy of a surcharge by Calcutta Electric Supply Corporation.

83. Dr. H. W. B. MORENO: (*a*) Is the Hon'ble the Member in charge of the Department of Commerce aware that the Calcutta Electric Supply Corporation continues to levy a surcharge of 30 per cent. on the electricity in Calcutta?

(*b*) Is it a fact that when it was first levied the Corporation stated that it was introduced as a temporary measure and due at the time of the high prices prevailing for coal?

(*c*) Is it a fact that the price of coal has since declined?

(*d*) What action, if any, are the Government taking in the matter?

(*e*) If no action is being taken, will the Government be pleased to state its reasons?

The Hon'ble Mr. J. DONALD: (*a*) Yes. A surcharge of 30 per cent. is levied for the supply of electricity for certain purposes but the rate of surcharge varies according to the purpose for which the current is used.

(*b*) At the time the surcharge was introduced, the Electric Supply Corporation stated that they hoped that the levy of the surcharge would only be temporary, and that it was due to the increase in their working expenses caused by rises in wages and the prices of material and coal.

(*c*) Yes.

(*d*) and (*e*) The matter is under consideration.

Bengal Tenancy (Amendment) Bill.

84. Maulvi ABDUL QUADER: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) the present position of the Bengal Tenancy (Amendment) Bill; and

(*ii*) when the Bill is likely to be introduced in Council?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The member is referred to the answer given to unstarred question No. 9, asked by Khan Bahadur Maulvi Muhammad Choinuddin at the meeting of the Bengal Legislative Council held on the 24th January last.

Amta Drainage Scheme.

*65. **Babu MANMATHA NATH ROY:** (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to say whether the Government have accepted the proposal of the District Board of Howrah in the matter of the Amta Drainage Scheme which was communicated by the District Board to the Government on the 8th February, 1923, through the District Magistrate of Howrah?

(*b*) If not, what action are Government taking in the matter?

Mr. C. S. DUTT: (*a*) and (*b*) The estimate for the further works proposed to be carried out in connection with the Amta Drainage Scheme is still under revision by the Irrigation Department. Pending the revision of the estimate it has not been possible to come to a final decision regarding the proposal of the Howrah District Board. The whole project is also being reconsidered by Government and a communication will be shortly made to the District Board.

Slaughter of cows.

66. **Mr. SATCOWRIPATI ROY:** (*a*) Has the Hon'ble the Member in charge of the Police Department any information for each of the last two financial years namely, 1921-22 and 1922-23, regarding—

(*i*) the total number of cows, calves, bulls or bullocks slaughtered for the use as food for the soldiers stationed in Bengal;

(*ii*) the total number of living cows, calves, bulls or bullocks exported by sea from Bengal;

(*iii*) the names of the countries to which and the purpose for which they were exported; and

(*iv*) the total number of the slaughtered cows, calves, bulls or bullocks exported from Bengal by sea and the purpose for which they were exported?

(*b*) If the answer be in the affirmative in any of the parts (*i*), (*ii*), (*iii*) of the above question, will the Member kindly place it on the table?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) (*i*) Government have no information.

(*ii*) and (*iii*) A statement showing the number of living cattle exported with the country of destination is laid on the table. Government have no information as to the purpose for which they were exported.

(*iv*) Government have no information.

Statement referred to in the reply to clause (a) (ii) of unstarred question No. 66.

The following number of living cows, calves, bulls or bullocks, buffaloes and buff-calves were exported from Calcutta to foreign countries by sea in the year—

1921-22.

Country of final destination.	Cows.	Calves.	Bulls or Bullocks.	Buffaloes.	Buff-calves.
	Nos.	Nos.	Nos.	Nos.	Nos.
Straits Settlements ..	148	130	..	217	122
British India Islands ..	5	1	32	..	..
Germany	..	..	7	..	..
Indo-China	51	..	10	4	2
Brazil	66	14	15	4	..
Total ..	270	145	64	225	124

1922-23.

Straits Settlements ..	122	50	910	104	70
Mauritius .. .	17	15	4	..	..
British West India Islands ..	2	..	2	..	..
Total ..	141	65	946	104	70

References by district boards for Legal Remembrancer's opinion.

67. **Mr. TARIT BHUSAN ROY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that a circular has been sent to the District Boards of Bengal to the effect that they will not in future be entitled to enjoy the privilege of obtaining the opinion of the Legal Remembrancer of Bengal free of charge on the ground that the District Boards are no longer under official Chairmen?

Mr. G. S. DUTT: A copy of Circular No. 282-86 T.—L.S.-G., dated the 21st September, 1923, on the subject is laid on the table.

Circular referred to in the reply to unstarred question No. 67.

GOVERNMENT OF BENGAL.

LOCAL SELF-GOVERNMENT.

LOCAL SELF-GOVERNMENT.

Nos. 282-96 T.—L. S.-G.

FROM S. W. GOODE, ESQ., I.C.S.,

Secretary to the Government of Bengal (Offg.),

TO ALL COMMISSIONERS OF DIVISIONS.

Dated Darjeeling, the 21st September, 1923.

THE HON'BLE SIR SURENDRA NATH BANERJEA, KT.,
Minister in charge.

SIR,

I am directed to refer to this Department circular Nos. 402-06 T.—M., dated the 28th September 1915, on the subject of the procedure to be adopted by the Chairmen of Municipalities in making references to the Legal Remembrancer on points of law. At present District Boards, unlike Municipalities, have the services of the Legal Remembrancer for looking after their litigation, free of charge. This is a relic of the days when the District Magistrate was their Chairman. Circumstances have, however, altered now and District Boards are at present free to a great extent from official control and have got their own non-official Chairmen, and should now be responsible for their own litigation. The Government of Bengal (Ministry of Local Self-Government) therefore consider that the procedure prescribed for Municipalities in this respect should be followed with regard to District Boards also.

2. I am accordingly to state that in matters of ordinary local administration the Chairmen of District Boards should henceforth, like private persons, consult a local pleader or the Advocate-General direct in accordance with their requirements and after payment of the necessary fees. But in cases affecting the general administration of District Boards and which can be regarded as matters of provincial importance, the Chairman should communicate with the District Magistrate who may either consult the Legal Remembrancer or address Government on the subject as he thinks fit. No fee will be charged by the Legal Remembrancer for such reference.

3. I am to request that the above instructions may be communicated to the Chairmen of District Boards in your Division.

I have the honour to be,

SIR,

Your most obedient servant,

S. W. GOODE,

Secretary to the Government of Bengal.

No. 287 T.—L.S.-G.

Copy forwarded to the Judicial Department for information. The Legal Remembrancer has been informed.

No. 288 T.—L.S.-G.

Copy forwarded to the Superintendent and Remembrancer of Legal Affairs, Bengal, for information.

No. 288½ T.—L.S.-G.

Copy forwarded to the Revenue Department for information.

By order of the Government of Bengal
(Ministry of Local Self-Government),
S. W. GOODE,
Secretary to the Government of Bengal (Offg.).

DARJEELING:

The 21st September 1923.

Recording of votes at polling stations for Dacca city (Muhammadan) constituency.

68. Maulvi ALLAH BUKSH SARKAR: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) how many polling stations there were for the Dacca city Muhammadan constituency at the last general election;

(*ii*) the principle on which they were distributed; and

(*iii*) who were the presiding officers at those polling stations?

(*b*) Is it a fact that two officers were deputed to a ward where the number of the voters was small and only one officer for each of the wards where the number was large?

(*c*) If so, on what principle was the deputation made?

(*d*) Is it a fact that the polling station for ward No. IV was not within the ward as in the case of other wards?

(*e*) Is it a fact that all the polling officers of the Dacca Division Muhammadan constituency for the Legislative Assembly were instructed by the returning officer to record one vote only?

(*f*) Is it a fact that the said returning officer instructed the polling officer on the afternoon of the 18th November by wire to record two votes?

(g) Is the Hon'ble Member aware that at the various centres there are no telegraphic communications?

(h) Is it a fact that the telegrams were received when the recording of votes was over in some centres and a sufficient number of voters were not allowed to record their second vote?

(i) Is it a fact that a few polling officers followed the previous instructions even after the receipt of fresh instructions?

(j) Are the Government considering the desirability of taking steps to redress the grievances of those voters who could not use their franchise through the mistake of the returning officer by setting aside the elections of their own accord?

The Hon'ble Sir HUGH STEPHENSON: (a) (i) Seven.

(ii) One presiding officer was allotted to a polling area of approximately six hundred electors.

(iii) *Ward I.*—Munsif, 3rd Court, Dacca.

Ward II.—Babu Girish Chandra Nag, Deputy Magistrate, Dacca.

Ward III.—(i) Munsif, 5th Court, Dacca; (ii) Munsif, 6th Court, Dacca.

Ward IV.—(i) Subdivisional Officer (North), Dacca; (ii) District Sub-Registrar, Dacca.

Ward V.—Munsif, 4th Court, Dacca.

Ward VI.—Babu Birendra Mohon Ghosh, Deputy Magistrate, Dacca.

Ward VII.—Munsif, 2nd Court, Dacca.

(b) No.

(c) Does not arise.

(d) The polling station for ward No. IV was just outside the ward. There was no suitable place within.

(e) The returning officer did not issue instructions of this nature. By mistake however the office of the District Magistrate of Dacca caused a notice to be printed on the ballot papers of that district that only one vote could be recorded by each elector.

(f) The District Magistrate on the discovery of the mistake on the 18th November, 1923, issued revised instructions at once to all polling officers by the speediest means at his disposal, including the telegraph in the cases of some of the polling officers.

(g) Yes.

(h) Only one officer failed to receive intimation in time. It reached him at 3 P.M. At this polling station only nine voters appeared and some of them who came after 3 P.M. recorded two votes.

(i) Government have no information.

(j) No.

Question of introduction of elective system in Jalpaiguri District Board.

69. **Mr. NISITH CHANDRA SEN:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government contemplate extending the system of election to the District Board of Jalpaiguri?

(*b*) If so, when is such extension to come into force?

Mr. C. S. DUTT: (*a*) and (*b*) Under the provisions of section 7 of the Bengal Local Self-Government Act the system of election cannot be extended fully to the District Board of Jalpaiguri until local boards have been established throughout the whole area of the district. At present there is only one local board in the district, viz., in the Alipore Duars Subdivision and this local board now elects 3 members out of the 21 who constitute the District Board of Jalpaiguri. The elective system cannot, however, be introduced in the Sadar subdivision until a local board has been established for this area. In 1919 the question of establishing a local board in the Sadar Subdivision was raised but the local officers, in agreement with the district board, suggested the establishment of two local boards for this area. As this was against the provision of section 6 of the Bengal Local Self-Government Act of 1885 the proposal could not be given effect to. Under section 6 of the Bengal Local Self-Government Act, as amended by the Bengal Village Self-Government Act, local boards can, however, be established in areas smaller than a Subdivision, provided such areas are declared Unions under section 5 of the Bengal Village Self-Government Act. In their address presented to His Excellency the Governor of Bengal in February, 1921, the members of the Jalpaiguri District Board represented that the provisions of the Village Self-Government Act could hardly be adopted and brought into force in Jalpaiguri owing to its backwardness in point of education, as well as to the fact that a large portion of it was covered by tea gardens which could not conveniently be made into unions. They, therefore, suggested that section 6 of the Local Self-Government Act of 1885 be amended so as to provide for the establishment of local boards in areas smaller than that of a Subdivision, quite independently of the establishment of union boards under the Village Self-Government Act. This proposal will be taken into consideration when the general amendment of the Local Self-Government Act is taken up by Government.

Mu[illegible] proportion on the ministerial staff in Civil Courts in Chittagong Division.

70. **SHAH SYED EMDADUL HAQ:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(i) what proportion the Muhammadans of the Chittagong Division bears to the total population in the Division; and

(ii) whether the ministerial posts in the Judicial Department of the Chittagong Division have been distributed during the last 3 years to the Muhammadans with due regard to the numerical strength of their community?

(b) If the answer to (a) (ii) is in the negative, will the Hon'ble the Member be pleased to state why the proportion has not been maintained?

(c) Are the Government aware that a sufficient number of candidates with standard qualifications are available in the Division?

(d) Are the Government considering the desirability of appointing Muhammadans with due regard to the numerical strength of the community?

The Hon'ble Sir ABD-UR-RAHIM: (a) (i) The proportion which the Muhammadans of Chittagong Division bear to the total population in the Division is 73 per cent.

(a) (ii) and (b) Appointments are not made strictly on the basis of population but on the principle that at least one-third of the total appointments should go to Muhammadans. This proportion has been maintained in the Civil Courts of the Chittagong Division.

(c) Government have no precise information of the number of candidates available.

(d) Government consider their accepted principle sufficient for the present in the matter of distribution of appointments.

Muhammadans on the ministerial staff of Civil Courts of Chittagong.

71. Maulvi AMANAT KHAN: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the district of Chittagong—

(i) how many posts there are in the ministerial staffs in the courts of the District Judge, Subordinate Judges, and Munsifs; and

(ii) how many out of the permanent posts are held at present by Muhammadans?

(b) Is the Hon'ble the Member aware that Chittagong is predominantly a Muhammadan district?

(c) Is the Hon'ble the Member also aware that many suitable and experienced Muhammadans are available in the district of Chittagong to fill up any ministerial post in the civil courts of that district?

(d) Will the Hon'ble the Member be pleased to state the reasons why the three chief ministerial posts of the head clerk, the nazir, and the sheristadar of the District Judge's Court are held by non-Muhammadans?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) and (*ii*) The present staff consists of 127 assistants of whom 40 are Muhammadans.

(*b*) Yes.

(*c*) Government have no precise information.

(*d*) Appointments in higher ministerial posts are made by promotion from amongst the most experienced and efficient assistants.

Application for a loan by Krishnagar Municipality.

72. **Babu HEMANTA KUMAR SARKAR:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware of an application made by the Commissioners of the Krishnagar Municipality for a loan of Rs. 40,000?

(*b*) If so, are the Government contemplating making the loan at an early date?

Mr. C. S. DUTT: (*a*) An application for a loan of Rs. 40,000 for metalling certain municipal roads was received from the municipality through the Divisional Commissioner in March, 1923.

(*b*) The Municipal Commissioners prayed that the loan might be sanctioned early in 1923-24. In April, 1923, the Municipal Commissioners were informed that in view of financial stringency no provision for the loan could be made in the current year's loans budget. It was at the same time pointed out to them that the finances of the municipality were not in a position to bear the maintenance charges of the roads proposed to be metalled, together with interest and repayment charges on the loan and they were advised to submit a modified proposal. As no further proposal has yet reached Government, no provision for the loan has been made in the next year's loans estimates.

Manufacture of salt in Bengal.

73. **Maulvi ABDUR RASHID KHAN:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement showing the consumption of salt by this Presidency during the last 5 years and the quantity of salt imported from—

(*i*) Liverpool,

(*ii*) Aden,

(*iii*) other foreign countries outside India, and

(*iv*) other provinces of India?

(*b*) Will the Hon'ble the Member be pleased to state whether salt can be manufactured within this Presidency?

(*c*) If so, are the Government considering the desirability of granting license for manufacturing salt within this Presidency?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble the Member be pleased to state the reason therefor?

The Hon'ble Mr. J. DONALD: (*a*) The member is referred to the Annual Reports on the Administration of the Salt Department in Bengal. Paragraph 15 of those Reports gives the total quantity of salt which passed into consumption during the year under report, and Appendix A to the Report shows the quantities of salt imported by sea from different countries into Bengal in the year under report.

(*b*) Yes; but in view of the present-day prices it has not been found possible to manufacture salt profitably in Bengal. The member is referred to my speech in the meeting of the Bengal Legislative Council held on Tuesday, the 22nd January, 1918, on a resolution moved by the Hon'ble Babu Surendra Nath Ray for the encouragement of the manufacture of salt in Bengal.

(*c*) No applications for manufacturing salt in Bengal have been received recently.

(*d*) The question does not arise.

Ruling of the President in respect of certain motions.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I received during the recess from a member of the Council a notice of the two following motions which was submitted under the provisions of Standing Order 72 (sec. 102 of Part IV of the Bengal Legislative Council Rules and Standing Orders):—

I. That a formal address be presented to His Excellency the Governor of Bengal submitting that His Excellency's present Ministers do not enjoy the confidence of the Council.

II. That a message be sent to His Excellency the Governor through the Hon'ble the President of the Bengal Legislative Council submitting that His Excellency's present Ministers do not enjoy the confidence of the Council.

I informed the hon'ble member in reply that in my opinion these two motions did not fall within the scope of the Standing Order in question and I disallowed them accordingly. At the same time I intimated to him that, in view of a contrary ruling by the Hon'ble the President of the Madras Legislative Council, I would take the opportunity to-day of stating to the House the reasons for my ruling.

There are only certain matters which can be discussed in the Council under the Act and rules framed under the Act, namely, motions in regard to legislation and the Budget, voting on such matters as the salaries of Council Secretaries and other matters provided in the Act itself, and the discussion of subjects of general public interest and definite matters of urgent public importance which last can be raised only by recommendatory resolutions and by motions for adjournment respectively.

The section which is relied upon is a Standing Order. As such it cannot run counter to the rules framed under the Government of India Act. That Act [sec. 72D (5)] lays down that rules may be framed under this Act for the discussion of any subject specified in the rules and rules so made cannot be amended by the Indian Legislature or by any Local Legislature (sec. 129A). Under rule 22 made under the Act [sec. 71 (1) of Part IV of the Bengal Legislative Council Rules and Standing Orders] the Governor is empowered to disallow any resolution or any part of a resolution on the grounds therein stated. This power of disallowance by His Excellency is conferred by Statute and cannot, therefore, be abrogated or avoided by any Standing Order. The scope of Standing Order 72 cannot be extended to cover an address which deals with matters of a controversial character, for, in that case, any matter of public controversy could be discussed by the Council under cover of a formal address or a message through the President without His Excellency being able to make use of his constitutional power under rule 22.

No question is involved in the present case of observance of or departure from Parliamentary traditions. This Council discharges its functions under a written constitution and it is the primary duty of the President to administer and interpret the statutory rules upon which that constitution is based, and which, as I have already stated, cannot be altered or amended by the Indian Legislature or by any local legislature. Subject to that primary obligation it has always been my endeavour and it will continue to be my endeavour to act in accordance with Parliamentary traditions.

Proper and adequate occasions are provided by the constitution for the attainment of the object of the member. These arise in various ways. It is always open to the Council to defeat any Bill which Ministers may introduce or any proposals or requests for money which they may bring forward. Likewise it is in order to move a reduction or rejection of the vote for their salary which will form part of the demands for grants and will be taken up next month. Another form of action is provided by a motion for adjournment of the House to call attention to any specific action taken by Ministers which can be held to constitute a definite matter of urgent public importance of recent occurrence. Lastly, when the Ministers have placed themselves within the control of the House by their action, a resolution may be tabled and, if admitted, will be balloted for at the commencement of a session in the usual way in company with other resolutions of which notice has been given. Such a resolution must be in the form of a recommendation to the Government and not to His Excellency direct.

Recording of [illegible] in the vernacular.

Mr. PRESIDENT: A petition has also been received by me signed by 26 members of the Council praying that arrangements may be made for

recording verbatim speeches delivered in the Council in Bengali and stating that, as they are not as fluent in English as in their own vernacular, they prefer to speak in Bengali in the Legislative Council. All the signatories to the petition took the oath in English, and it is therefore a fair assumption that they are sufficiently acquainted with the English language to be able to understand the purport of that oath. I observe also among the signatories a number of members who have delivered speeches during the present session in the most admirable and fluent English. The matter, however, stands upon a statutory basis. Rule 14 of the rules made under the Government of India Act and therefore a statutory rule of Parliament, which is reproduced in section 11 of the Bengal Legislative Council Manual, runs as follows:—

> "The business of the Council shall be transacted in English, but any member who is not fluent in English may address the Council in any recognised vernacular of the province, provided that the President may call on any member to speak in any language in which he is known to be proficient."

I shall always be willing as in the past to assist any member who is really unable to speak fluently in English, but in accordance with the discretion which Parliament has conferred upon me, I shall continue to call upon members to speak in the English language when I know them to be proficient in that tongue. As matters stand, in view of the excellent knowledge of English possessed by almost all the members of the Council and the facilities already afforded to the two or three members who are not able to speak so fluently in English, I am not satisfied that sufficient grounds exist for the alteration of the existing practice.

Reports of the Bengal Legislative Council Committee on Public Accounts on the Audit and Appropriation Reports of the year 1921-22.

Mr. PRESIDENT: I now call upon the Hon'ble Mr. Donald.

The Hon'ble Mr. J. DONALD: Before I proceed with the Budget, I beg to place before the House the Reports of the Bengal Legislative Council Committee on Public Accounts on the Audit and Appropriation Reports of the year 1921-22.

[illegible] Budget of the [illegible] for 1924-25.

The Hon'ble Mr. J. DONALD: [illegible] the honour to present the budget estimates of the Government of [illegible] for the year 1924-25.

As usual, these estimates are accompanied by the financial statement in which the variations under the different major heads of the budget are explained in detail. There are the usual detailed statements of expenditure at the beginning of the statement, and we have added a new statement to show more clearly and in a concise form how

the sanctioned estimates of the year are being worked up to; in other words, a comparison of the revised with the sanctioned estimates. This meets the criticism made by Rai Harendranath Chaudhuri last year and will, I trust, meet his requirements. I have excluded the preliminary note of the Finance Member, as this note would be merely a brief summary of the remarks I have to make this afternoon and as members will be furnished with a copy of the observations I am now making, this will afford all the material necessary for an appreciation of the financial situation. There are one or two respects in which the statement might be made clearer, e.g., the list of original works should be split up into two statements: one of works in progress, the other of new works. The lists had been set up in print before I discovered this and it was too late to make an alteration. This will be done in future years. But the information that has been given will, I hope, meet the requirements of all members for the discussion of the budget and the subsequent voting of grants. There are many new members in this Council and some of them may have difficulty in clearly understanding all the details. If any member has any difficulty or desires to have any further information or explanation, Mr. Marr and I will be very pleased to see him at any time either at Writers' Buildings or in this House.

Before I go on to the current year's estimates and the budget for the coming year, I should like to make one or two observations as regards the general financial position from the date on which the reformed constitution came into being up to the beginning of the current year. This will enable those members who have not hitherto sat in this Council to appreciate the position and the effects of the various actions that we have taken to put our finances in as favourable a position as we can under the present settlement.

When Sir John Kerr presented the financial statement of the year 1921-22 in Council, he estimated an opening balance of Rs. 2,48,21,000 (after redemption of our provincial loans), receipts of Rs. 10,81,68,000, and an expenditure of Rs. 12,89,52,000; in other words, in the first year of the reforms, it was estimated that a sum of Rs. 2,08,00,000 would have to be drawn from the balances to carry on the administration. There was, however, a very substantial decrease in receipts due to the general dulness of trade and in part to a disturbed political situation, but against this substantial measures of retrenchment were taken and the net result was a deficit of Rs. 1,70,58,000.

In the following year, we secured some benefit by the agreement of the Central Government to waive for a period of three years the provincial contribution of Rs. 63 lakhs, but even then it was anticipated that the working of 1922-23 would result in a deficit of Rs. 1,20,00,000. As a consequence, Government had resort to new taxation. Three taxation Bills—two of them amending the Stamp and the Court-Fees Acts and a third imposing a tax on amusements and betting—were introduced

in the Council and became law in 1922-23. It was anticipated that this new taxation would bring in Rs. 1,40,00,000, and thus wipe out the deficit of Rs. 1,20,00,000 and allow a surplus of Rs. 20,00,000. Basing our hopes on this additional income, supplementary estimates were presented to the Council for the utilisation of this surplus and a certain amount from the balances. But, later on in the year, it became evident that our anticipations from the new taxation would not be realised and retrenchment had to be given effect to. Savings were anticipated to the extent of Rs. 49,00,000; and when I presented the budget last year I estimated that we should close the year 1922-23 with a deficit of Rs. 16½ lakhs.

Later on, on the 16th March, 1923, before the voting of grants, I revised the estimate of receipts and placed the figure at Rs. 10 lakhs in excess of my original estimate, thus reducing the deficit to Rs. 6·69. But we were slightly out in our calculations and things turned out better in actuality. The stamp revenue just realised our expectations, but we obtained Rs. 3¼ lakhs more from land revenue and a large increase in miscellaneous receipts, and in all our actual income for the year was nearly Rs. 8½ lakhs over the revised estimate so that even from the revenue side the anticipated deficit was wiped out and there was a surplus. But this was not all. As I explained to the Council last year, we had taken measures to enforce every possible economy in view of the anticipated fall in our revenues, and we anticipated as a result of this economy all done on the initiative of Government before the Retrenchment Committee was appointed that our expenditure would amount to Rs. 9,82,50,000 or about 41 lakhs of rupees below the sanctioned estimates. I am afraid, however, we did not give our officers sufficient credit for their efforts to meet our directions in the matter of economy. In practically every department the expenditure fell short of our estimate and in the total we were out in our revised estimate of expenditure by as much as Rs. 23 lakhs our expenditure was Rs. 9,59,64,000 as against an anticipated expenditure of Rs. 9,82,50,000, and an original budget estimate of Rs. 10,24,20,000. These figures related solely to the Revenue Account. In place of the anticipated deficit of Rs. 6½ lakhs, we thus had, on the 31st March, 1923, a surplus on the Revenue Account of Rs 25,75,000. Taking everything into account, *i.e.*, including loan operations, we closed the year with a surplus of Rs. 23,41,000. Our closing balance was Rs. 90,92,000, or just about a lakh over the anticipations when the budget for 1922-23 was originally prepared. We had, in other words, practically retrenched as much as we had failed to realise in revenue.

This is a brief record of the first two years working under the Reforms. We had Rs. 2,48,21,000 at our credit on the 1st April, 1921—on the same day two years later we had Rs. 90,92,000, a figure which would have been much lower but for the remission of our provincial contribution in 1922-23. In 1921-22 expenditure exceeded income by

Rs. 1,70,58,000, in the following years thanks to taxation, retrenchment and the relief from our payment to the Central Government, income exceeded expenditure, but we should still have had a deficit, had we not secured this temporary relief.

Let me get on now to the third year, that is, the current year. The budget provided for receipts amounting to Rs. 10,20,18,000, and an expenditure of Rs. 10,14,65,000. In the supplementary estimates of July and August last, there was added a sum of Rs. 10,05,000 to the expenditure total, bringing the total expenditure estimate to Rs. 10,24,70,000 and the margin between income and expenditure to a deficit figure of about Rs. 4½ lakhs. This represented really a drawal on our balances and did not affect the position as regards recurring receipts and charges.

As to receipts they have on the whole been satisfactory. The stamp revenue has not altogether realised our expectations. I did not last year see the return to a normal condition of affairs in the economic world, but with some indications of better trade and industry which had then appeared I had hoped that some improvement would result. That improvement has materialised but not to the extent I anticipated, and instead of the expected Rs. 3,35,00,000 we must be content, I am afraid, with Rs. 3,20,00,000—a reduction of Rs. 15,00,000 in our estimate. The receipts from other sources have been, however, better and on the whole we have more than secured our estimate for the year. Excise revenue has been coming in well with the improvements in administration, and from this source we anticipate Rs. 2,10,00,000, as against the budget figure of Rs. 2,05,00,000. The amusement tax, which now appears under a separate head in the budget, "IX A.—Scheduled Taxes," will give us a few lakhs more than wo estimated. With a few small variations under other heads and an adjustment as between Irrigation and Public Health, our revenues on the whole for the year will be about Rs. 2¼ lakhs above our original estimate.

Turning now to the expenditure side, the position is also satisfactory. The economies effected in 1922-23 naturally had a bearing on the disbursements of the current year; and the further retrenchments that have been made in consequence of the recommendations of the Retrenchment Committee have helped materially to reduce expenditure. Under several heads the expenditure on the pay of officers is likely to fall far short of the estimate. With the new time-scales of pay, the adjustment of arrears and so forth, it has been a difficult matter to get down to estimates with any accuracy—it has been largely a matter of guesswork, which we hope in future to put on a more accurate basis. There has also been a similar difficulty in estimating the expenditure on the pay of establishment. These facts account for the estimated drop in expenditure under General Administration, Administration of Justice, and Education. Retrenchment had a large say in the savings of about Rs. 2 lakhs each under Agriculture and Public Health, but nowhere

has economy so manifested itself as under Police, where expenditure is as much as about Rs. 12 lakhs below the estimate. Reductions of the force in accordance with the recommendations of the Retrenchment Committee, an undue proportion of vacancies in the cadre, and measures of economy in allowances and contingencies, economy which seems to have been pressed to the detriment of the administration, all combined to reduce expenditure. I do not propose to go into all the details—they are set out in the explanations under the various heads—but the net result is a diminution of expenditure by about Rs. 38 lakhs as compared with the total of the original and supplementary estimates. The total expenditure we now estimate at Rs. 9,86,78,000 or Rs. 35 lakhs less than our revenue. This is expenditure on the revenue account solely. Bringing into account loan operations, in regard to which I may observe that with good agricultural conditions not more than Rs. 6,80,000 are likely to be required in the shape of loans as against the estimate of Rs. 11,84,000, the total working of the year as now estimated is an opening balance of Rs. 90,92,000, Receipts Rs. 10,36,84,000, Expenditure Rs. 10,06,03,000 and a closing balance of Rs. 1,21,73,000.

With a considerable surplus in 1922-23, a further large anticipated surplus in the current year and the measures of retrenchment that have been effected, this Council will perhaps conclude that the budget for 1924-25 must be a surplus one. And they might also be of the opinion that with the large amount at our credit in the balances there is surely a possibility of doing something in the way of development, and that Government, and particularly the Ministers, can now hardly plead that the financial position is such as to prevent any progress. If members have gathered such an impression from what I have already said, let me hasten to tell them that the budget for 1924-25 is not a deficit one and that we have made provision for expenditure which will consume a large amount from our balances. Let me proceed to the examination of the budget as I now present it.

I estimate our revenue for next year at Rs. 10,32,28,000 while the provision for expenditure is Rs. 10,31,79,000, i.e., our expenditure falls just short of our income. The margin is not great, but it is the result of our making provision for new schemes to the extent of Rs. 35,89,000. As we have a large sum in our balances, we feel justified in embarking on new schemes—chiefly of a non-recurring character, (the reason for this I shall explain later)—schemes which are urgent and important in administration and for development and progress. We have already earmarked Rs. 88 lakhs of our balances for this purpose, to be spent in the next and following years, and the Rs. 36 lakhs in the budget represents the first instalment of this expenditure. It is the addition of this sum to the normal expenditure of administration which accounts for the fact that we are going to spend in 1924-25 practically all our income.

Before indicating the character of this expenditure and the schemes in contemplation, let me first refer briefly to the estimate of receipts for the year 1924-25. There are even better indications of improved trade than there were at this time last year, but it is even now premature to be too sanguine and I hesitate therefore to predict any great improvement in our stamp revenues. I may possibly be erring too much on the moderate side in fixing the receipts from this source at a lower figure than that which I had budgeted for in the current year, but, under present conditions, I think an increase of Rs. 10 lakhs over the revised estimate is perhaps as much as can be justified, and the figure of Rs. 330 lakhs has therefore been adopted. Under Land Revenue, in the absence of floods and cyclones during the current year, we expect a return to more normal conditions in the collections from Government Estates, and with increased recoveries from settlement operations the total Land Revenue receipts should increase. Excise should, under present conditions and with the improved means of administration, still further increase, and we anticipate an increase of six lakhs under this head. The increases under these three heads, which are our main sources of income, account principally for our anticipation of a total increase of Rs. 10 lakhs in revenue next year over that of the current year.

Turning to expenditure, we have budgeted for an estimate of Rs. 45,01,000 over the revised estimate for the current year. This includes provision for ordinary development and for the completion of schemes already initiated, as well as for the new expenditure to which I have already referred. The details are set out in the explanation of the variations attached to the financial statement, but it will facilitate consideration of the budget if I refer briefly to the various new features and schemes and to the more important variations. In the explanations of the financial statement these items are mixed up with minor details of deviations and modifications in the existing expenditure and they may be better understood if detached from these details. I will take up the various major heads in order, but as the head Civil Works covers items which are the concern of all departments I propose to mention under the departmental head that portion of the Civil Works Budget which appertains to the particular department, e.g., I shall refer to Police buildings not under Civil Works but under Police.

Under Land Revenue, there is little variation calling for mention, except under Survey and Settlement. Here there is a considerable increase in expenditure which is fully explained in the financial statement. The only item of importance calling for mention is a provision of Rs. 2 lakhs for settlement operations in the Chittagong district. It is imperative that this work be started this next cold weather, so that a new settlement may be ready before the present settlement comes to an end. The Forest Department has suffered from want of funds in the past few years and development, which is remunerative, has been greatly

retarded. A few schemes, of seemingly little importance in themselves and of no great cost, but of great value in the return they will afford, have been provided for. They are measures for the better working of the forests and timber extraction. The increased expenditure in 1924-25 should prove very remunerative and pay for itself in a very short time. We have provided under Registration money for record-room racks, etc., and under the Civil Works head for two Sub-Registrars' offices in the 24-Parganas district. The Irrigation charges include the clearance of the Soadighi, Ganga Khali and Joygopal Khals, provision for the Dum Dum Bridge and the Kaorapukur Khal and the Government share of the cost of the Bidyadhari river operations. The Bidyadhari is very largely a question for the Corporation of Calcutta, the drainage of which is affected by the deterioration of the river, but the interests of the neighbouring country and suburban municipalities are also of importance and for that reason Government has agreed to co-operate with the Corporation in this scheme and share in the expenditure. The dredging of the Lower Kumar River at the entrance of the Madaripur Bhil route has also been provided for, in addition to the necessary charges for the maintenance of irrigation, navigation and embankment works.

Coming to General Administration, a perusal of the financial statement will show that only a very small increase in expenditure over the revised estimate has been allowed. The increase in the provision for the Administration of Justice is due to normal causes, increments of pay, and provision for the administration of the Workmen's Compensation Act which comes into force on 1st July, 1924. The wants of the Judicial Department in the matter of buildings have not, however, been overlooked, and under Civil Works a provision of about Rs. 2 lakhs has been made for the expenditure required in 1924-25 to acquire land for new Civil Court buildings at Serampur and to construct double munsifs at Chikandi and Gopalganj and a quadruple munsifi at Pirojpur.

As I have explained, there has been a considerable reduction in the expenditure on Police during the current year due to economies consequent on retrenchment, to vacancies in the cadres left unfilled, and to an undue proportion of officers and men being on leave. We have had to provide for the usual increments of pay and for improved recruitment to fill vacancies, but we cannot contemplate so great a measure of economy as has been exercised in the matter of allowances and contingencies during the present year. These has been undue curtailment in this direction and the efficiency of the force has suffered in the absence of effective supervision. We have therefore had to allow for increased supervision charges under some of these heads. We have added, too, a provision of one lakh of rupees for the supply of iron cots and mosquito-nets. These various items have increased the provision under this head, but the total provision is less than that which the Council passed for the current year.

The Civil Works budget further provides for three new police schemes—the sanitary improvement of the police lines at Burdwan, the construction of a new section-house at Kalighat, in connection with the operations of the Calcutta Corporation in the neighbourhood of the Kalighat temple, and a new section-house at Bhowanipur to replace the buildings taken over by the Calcutta Improvement Trust in connection with their operations in that locality.

The Ports and Pilotage budget shows a large increase. This has followed on our acceptance of the recommendation of the Retrenchment Committee in favour of a system of pooling Government launches. All these launches, with the exception of the River Police and the Calcutta Port Police launches, have been taken under the administration of the Marine Department, and the provision for upkeep, repairs, etc., of these launches has been consolidated under the main head of Ports and Pilotage and excluded from the departmental budgets under which they have hitherto appeared. The increased provision under this head is therefore accompanied by corresponding deductions under the departmental heads. This increase tends to economy and we hope that after a year or two this provision may be even less than that which we have made for 1924-25.

So far the heads with which I have been dealing, with the exception of Registration, appertain to the Reserved side of Government.

I now come to the Transferred side and I have no doubt hon'ble members will be keenly interested in knowing what provision we have made to meet the wants of what are often called the nation-building departments whose activities have been so far circumscribed by our financial difficulties.

The expenditure on Education has increased steadily. From Rs. 1,07,59,000 in 1920-21, it has risen to Rs. 1,24,21,000 in the current year. Next year the provision is Rs. 1,22,36,000. This is somewhat less than that of the current year and the decrease is the result of two factors—one, the non-repetition of the grant of Rs. 3 lakhs to the Calcutta University during the current year; the other, the retrenchment effected in Government secondary and primary schools. With these exceptions, the provision for 1924-25 is in almost every minor head in excess of that of the current year. From our surpluses we have made grants on the reserved side of the budget to St. Scholastica's School, to the La Martiniere School and the Dow Hill Girls' School, while under Civil Works we have provided for a new building for the Darjeeling High School, for minor works at the Victoria Boys' School and Dow Hill Girls' School at Kurseong, and a new boarding house attached to the school at Rangamati in the Chittagong Hill Tracts.

On the Transferred side, we have made provision for a capital grant to the Diocesan College, for the duplication of classes in the Ashanullah School of Engineering, and for a playing field for the same school. Under the Civil Works head, money has been allotted for new Guru

training schools of an improved type—on the completion of which many of the existing unsatisfactory schools will be abolished—and for additional accommodation for the Rajshahi College. The scheme for the establishment of the David Hare Training College at Ballyganj will be proceeded with, and the Muhammadan members of this Council will doubtless be glad to hear that in the coming year the establishment of the Muhammadan Arts College will be put in hand.

Medical shows increased expenditure. One of the main items of interest under this head is the Mymensingh Medical School, and we have made provision so that this school may be opened on the 1st July next. For the extension of medical relief to rural areas a sum of Rs. 1,15,000 has been included. This is a lakh over the sum which has been made available in the last two years for this purpose. In the Civil Works budget, provision has been made for improvements in the Dacca Mitford Hospital, and for the construction of nurses' quarters in the Presidency General Hospital.

Public Health has also shared in the distribution of the available resources. It is intended to make grants to the Berhampore, Midnapore and Suri municipalities to enable them to improve their water-supply, while a sum of Rs. 50,000—which will be recurring—has been allotted towards schemes for improvement in rural water supplies. A further item of a recurring character is that of Rs. 25,000 for maternity and child-welfare work. A special provision of Rs. 25,000 has been made for vaccination work in view of the possibility of an outbreak of small-pox next cold weather and Rs. 33,000 has been budgeted for the sinking of tube wells. Half a lakh of rupees has been included for anti-malarial measures and a similar sum for an anti-kala-azar campaign and sixteen thousand rupees for anti-cholera work, while the provision for quinine grants to local bodies has been increased from Rs. 60,000 to Rs. 1,20,000.

The adoption of certain of the recommendations of the Retrenchment Committee in regard to agriculture account for the reduced expenditure under this head, but there is provision under Civil Works for further development. Two new district farms, one at Mainaguri in the Jalpaiguri district and one at Dinajpur, and a veterinary hospital at Dacca, constitute the main schemes of the Agriculture Department for next year.

In the Industries Department there are two new schemes: the erection of a small demonstration factory in the Serampur Weaving Institute, and the construction of a permanent building for the Survey School at Mainamati in the Tippera district.

Under Civil Works, the only scheme peculiar to the Public Works Department is the construction of a bridge over the Balasun river on the Matigara Naxalbari Road.

Since I addressed the Council last year, we have completed the removal of our Press from Writers' Buildings to Chetla, and the Press is now in

full working order. If any member desires to see an up-to-date press of the finest type, he will be welcomed by the Superintendent and shown round. The matter which we now have under consideration is the shifting of the Book Depôt to the Press. Meanwhile the Controller of Printing and Stationery, Government of India, is overhauling the whole procedure and system in the Stationery Office and we are awaiting developments before pushing on with our proposed scheme of separation. But even as it is our Stationery and Printing budget shows a decrease in 1924-25 as compared with that of the current year.

By the move of our Press to Chetla, a lot of space has been set free for our offices in Writers' Buildings, and offices which have hitherto been occupying rented buildings are now accommodated in Writers' Buildings. By this move we expect to save annual charges of about Rs. 75,000.

Such is a brief outline of the proposed new schemes and of some of the more noticeable variations in the budget as compared with the current year. This new expenditure amounts, as I have said, to Rs. 35,89,000, and we have managed to include this in the budget without the necessity of drawing on our balances. By this new expenditure we are committed, however, to drawing on our balances in the future, since many of the schemes will only be begun in the coming year and further expenditure will be necessary on them in future years. As I have already mentioned, we have embarked on a programme of new works estimated to cost Rs. 88 lakhs, so that about Rs. 50 lakhs or about half our surplus balances will be required for expenditure in later years. That we have been able to incur this expenditure without drawing on our balances next year is due to two causes: firstly, the improvement in our revenues; and, secondly, reduction in expenditure. I have already shown how our revenues are increasing. The excise revenue is increasing and we are securing, though gradually, the benefit of our new taxation. Leaving out of account loan and capital transactions, our revenue which was Rs. 8,94,81,000 in 1921-22, and Rs. 9,85,39,000 in 1922-23, is estimated to be Rs. 10,22,01,000 in the current year and Rs. 10,32,28,000 in 1924-25. Of the difference between the figures of 1921-22 and 1924-25, Rs. 56 lakhs represents the increase in our stamp revenues and Rs. 32 lakhs the receipts from the Amusements Tax. It is not so easy to compare the progress of expenditure as the figures are complicated by adjustments as between capital and revenue. Thus, there was a large expenditure in 1921-22 on dredgers which was subsequently adjusted to capital, while there was an adjustment as regards income-tax, and there was of course the contribution to Central Revenues. In 1922-23 the expenditure amounted to Rs. 9,59,64,000 but this again included a large adjustment as between Capital and Revenue, by which the revenue expenditure received a large credit from the capital account. It will be seen, however, from a comparison of the revised estimates

of the current year with those of 1922-23—leaving aside the irrigation heads in which these adjustments have been made—that there has been during the current year a general decrease in expenditure. Education is a noticeable exception. This indicates to what extent retrenchment has been made. I do not propose to deal now with the recommendations of the Retrenchment Committee. The decisions of Government on these recommendations were placed before the Council, and I propose to place in a few days before the Council an up-to-date statement of these decisions. It is difficult, however, to refer to any particular head and say how much represents actual retrenchment in the current or even in the coming year. The difficulty arises from the fact that retrenchments could not be given effect to all at once—in many cases it will take time to give full effect to the recommendations, particularly in the case of establishments. In the matter of allowances and contingencies, there has been a considerable reduction. In answer to a question in Council the other day, I indicated the extent to which the special officer employed on examining contingencies had recommended reductions and these have been incorporated in the estimates, both of this and of next year. As this work proceeds, further reductions will be possible. Under travelling allowance, I promised last year on the voting of grants to make a considerable cut in the provision for travelling allowance in the departmental budgets. That promise was fulfilled, and during the year we have revised the rules, and, although I am not in a position to give details, I can assert with some confidence that we have gone very near carrying out the recommendations of the Retrenchment Committee. Generally, in regard to retrenchment, the budget for the coming year gives effect to such of the recommendations of the Retrenchment Committee as have been accepted by Government and put in force. We have thus practically cut our expenditure to the minimum. Apart from retrenchment cuts, there is some increase, if the new expenditure be left out of account, as compared with last year, but this is inevitable: normal development involves increased charges, and they are all the heavier at present because of the introduction of the new time-scales of pay. These scales will involve considerable increased charges annually until we get a return to a normal condition of establishments. There is not yet that adjustment as between retirements and recruitment which would put the total emoluments of all our establishments on a normal average.

I referred a little earlier in my speech to the fact that the bulk of the new expenditure is on schemes of a non-recurring character. The question may be asked why with a balance between normal revenue and expenditure of about Rs. 37 lakhs a large amount of recurring expenditure has not been possible and why the non-recurring expenditure could not have been met entirely from our balances. The answer is that there are three liabilities for which provision has to be made and which for the moment prevent a police of expansion in expenditure of a

recurring character. In the first place, some of the schemes to which I have already referred, though of a non-recurring character, will involve recurring cost, for instance the Muhammadan Arts College and the two new farms will, when completed, entail some additional recurring expenditure. Further, our normal expenditure at present makes insufficient provision for Civil Works. The budgets of recent years made no provision for new original works. These can at present be met from our balances but ordinarily a sum of Rs. 20 lakhs should be provided annually for new buildings, communications and the like: and if that be included the margin between our normal income and expenditure would thereby be reduced to about Rs. 15 lakhs.

Secondly, there is the liability for a contribution from the Bengal Government towards the new Howrah Bridge. Thirdly,—and this, of course, is the most important of the three—we have still hanging over our heads a liability of Rs. 63 lakhs to the Central Government, which, unless in the meantime we can secure some revision of the inequitable Meston Settlement, against which we have always protested, will again become due next year, *i.e.*, 1925-1926. Members of the Council must realise that, until this liability has been removed, there can be no expansion of our expenditure in the direction we all desire. Our case for its removal is overwhelming. As I have already shown, we have retrenched our expenditure to the utmost limit; we have imposed new taxation on our people—and what is the result? If the contribution of Rs. 63 lakhs to the Central Government is again forced upon us, it will swallow up the bulk of the proceeds of our strenuous efforts to reduce expenditure and increase revenue. We should again be faced with a deficit and have nothing for development. Such a contingency is wholly unacceptable to us, and we shall fight against it to the utmost. But while I am responsible for the finances of the province, I cannot ignore this liability until it is removed.

Sir, this completes my review of the financial position. The budget discussion will take place next week, and I would repeat what I said at the outset that if any member desires to have further information we shall be very glad to give him every assistance.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 19th February, 1924, at the Town Hall, Calcutta.

[illegible] of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 19th February, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble Maulvi A. K. Fazl-ul Huq and the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi) and 121 nominated and elected members.

Affirmation.

The following members made an affirmation of their allegiance to the Crown:—

Mr. S. N. HALDAR.

Mr. K. G. M. FAROQUI.

Unstarred Questions

(answers to which were laid on the table).

Muhammadan ministerial officers in Chittagong Collectorate.

74. **Maulvi AMANAT KHAN:** Will the Hon'ble the Member in charge of the Department of Land Revenue be pleased to lay on the table a statement showing—

(i) how many ministerial posts are there in the Chittagong Collectorate;

(ii) how many out of them are held by local Muhammadans; and

(iii) how many qualified Muhammadan candidates who have sent in applications have been left unprovided for?

MEMBER in charge of DEPARTMENT OF REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (i) Two hundred and ten.

(ii) Seventy-two.

(iii) The information is not available.

Alleged proposal for subdivision of Ward No. I of Krishnagar Municipality.

75. **Babu HEMANTA KUMAR SARKAR:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware of a proposal made by the Krishnagar Municipality asking for sanction to subdivide Ward No. I of that municipality into two returning six Commissioners instead of four?

(*b*) Are the Government considering the desirability of according their sanction to the proposal? If so, when?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. C. S. Dutt): (*a*) Government have received no such proposal.

(*b*) The question does not arise.

NON-OFFICIAL MEMBER'S BILL.

The Calcutta Rent (Amendment) Bill, 1924.

Dr. H. W. B. MORENO: I take it as a great privilege and a great honour that the first Bill of this session should be a Bill committed to my hands—a Bill which affects Europeans, Anglo-Indians and Indians alike. When the Bill was first introduced in this Council some time ago it was received without a division. The present stage of the Bill is for a fuller consideration of it, and referring it to a Select Committee which will go into its provisions, suggest alterations and amendments if necessary.

I should like to say at the very beginning that so far as this Bill is concerned I am open to any reasonable suggestion that may be made with regard to the working of it. I would especially like to direct the attention of the House to three particular points in my remarks. First I shall endeavour to discuss the provisions of the Bill itself; next I shall pass on to the position that landlords might take with regard to it as also the position that the tenants may take with regard to it; and lastly, the attitude of Government.

Dealing with the general provisions of the Bill, I should like to say that I want to take the House into a little personal history. When I was freshly connected with this Council I had only a very few days, perhaps a couple of days only, to place the Bill before the Council; in order that it may have the usual one month's notice which was necessary before it could be introduced. The result of this is that there are only just two or three clauses in the Bill. My great object was to see the life of the present Act preserved at any cost; for I felt that once the life of the Act was established it would be easy at a subsequent session to introduce such amendments as would be necessary. At that time I

had very little opportunity of going into the question of the anomalies and defects of the Act. I was only anxious to see the life of the Act preserved and my anxiety is reflected in the present short form of the Bill now before you. I understand that so far as my Swaraj friends—and I have got a good few among them—and my Nationalist friends are concerned that it is their intention to reduce the scope of the Bill so as to include only rents from Rs. 300, 250 or Rs. 200 downwards; if this be done they say they will have no serious objection to the Bill.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): It is rather a matter for the Select Committee, Dr. Moreno.

Dr. H. W. B. MORENO: I only mean to say that if that be the feeling in this House the Committee would provide duly for it. I am fully aware, Sir, of the anomalies and defects in the present Act and I trust the Committee will go into this matter fully. At present, it is possible for a middleman to take a house or a flat and divide it into so many rooms or cubicles and let them out at rents which are beyond all ordinary calculation. I understand there are people who will insist upon putting a few sticks of furniture and increasing the rates to an extent which is beyond all conscience. I am also told that the mere expression of a desire on the part of a landlord to occupy the house for his own purpose or to make some structural alteration is sufficient to get the tenant out of the house. These are questions which can be easily remedied when once the life of the present Act by means of an amending Bill is prolonged and that is, after all, my present purpose.

Let us take for a moment the position of the landlords. So far as good and conscientious landlords are concerned there can be very little opposition from them. I have a just and considerate landlord myself and I openly declare it. They are people who will stand honestly and fairly by their tenants; this Bill has little to say against them. But this I say to them that if this Bill is doing them no harm why should they wish to shut it out? This Bill aims especially at the repression of the greedy landlords and those middlemen who take the position of such landlords.

It has been well said that locks and bolts are only made for thieves and robbers and not for honest men. I say that the Bill has been avowedly put in to deal not with honest and just landlords but with the rapacious and greedy ones. We have to stand by these tenants and protect them when these people are making inroads upon them and making every attempt to squeeze the last drop out of them in the shape of rent. Therefore, if the Act be preserved it will operate only against such people and no fair and just and equitable landlord both inside and outside this House need have any fear on this score. So far as the tenants are concerned let us look for a moment at the Bill from their point of view. Sir, this Bill has evoked a good deal of support round

about Calcutta. Everyone seems to be intensely interested about the Calcutta Rent Act. The people are not so much interested about the many resolutions that we have passed or may pass. They only ask: "What about the Rent Act?" They are very anxious that it should be preserved. At a meeting held at the Dalhousie Institute recently in which all sections of the people of Calcutta were present including Domiciled Europeans, Anglo-Indians, and Indians they accorded general support to my Bill. The Secretary of the European Association speaking on behalf of that Association said that the Bill had the support of the whole European community; but on the subject of a 5 per cent. increase that I had asked for in the Bill for the landlords it was felt—in the Bill I have made provision for a 5 per cent. increase in judging the standard rent on the condition that the Act is preserved for another three years, for I felt it right and proper that some sort of compensation should be given to the landlords for a proper return on their investments—that no increase should be allowed in the way of judging the standard rent, and that I was wrong in allowing the 5 per cent. increase. On the other hand very recently the Marwari Trades Association held a meeting at Harrison Road, Calcutta, and it suggested there that a 10 per cent. increase should be made in judging the standard rent. I understand that an appeal from the landlords has also been going round, in which they say that an increase greater than what I have suggested in the Bill should be allowed—at least a 20 per cent.—as a return for their investment in house properties. This has made me feel that I am right in having chosen the golden mean. On the one hand there is an agitation to reduce if possible the percentage in the way of judging the standard rent and on the other there is an agitation to increase considerably the percentage of rent, so that my stipulation for a bare 5 per cent. increase is perhaps the *via media* out of the difficulty.

I should like especially to say a few words so far as the smaller houses are concerned. I have nothing to say so far as the larger houses are concerned if the tenants and landlords thereof are agreed that just and equitable rents are being levied; and I am prepared to accept amendments on that point. I am out here especially to protect the poorer classes, the class known as the *bhadralok* and the large number of Anglo-Indians residing in the city, among whom it is well-known that there is a growing increase of unemployment. What are we to do if the provisions of the present Calcutta Rent Act be removed? The people who have now got the protection of the Calcuttta Rent Act will be oppressed by these unscrupulous landlords when the Act ceases to be in force and they will have their rents increased a hundredfold or more; it is for their protection that I plead in this House.

Sir, when I asked a question only yesterday from the Hon'ble Member in charge of the Commerce and Industries Department whether he was aware of the present daily increasing distress among Anglo-Indians specially, he replied that "it is understood that there is a considerable

distress among the class referred to." Now, Sir, Government acknowledge that there is a considerable distress among this community and there is no denying the same fact in the case of my Hindu and Muhammadan friends in Calcutta. Is this then the time that we should be deprived of the protection of the Rent Act? I say, Sir, that the time is most inopportune. Dealing now with the question of the Government attitude for a while I should like to say one or two things in particular. I understand—I do not know if I am right in what I say—that the Government is against the extension of the Act. When the Calcutta Rent Act was extended to the end of March of the year 1924, the Hon'ble Sir Surendra Nath Banerjea, who was then in charge of the Department concerned, said that the Rent Act would only be extended till 31st March, 1924, and no longer, but that he would appoint a committee which would go into the whole question of communications and suburban expansion. That seemed a reasonable thing to offer to the people and I was hoping the report would give us something tangible to go upon, but the report is full of inanities and vague generalities. There is no tangible protection at all in the near future for the tenants of Calcutta. I am reminded of the occasion when for the first time Calcutta was agitated in 1920, when I was a "notorious" agitator—I use the word "notorious" advisedly. At that time we had the old story of a large report that was submitted to us by Government and everybody who perused the report—I also had to do so—was tempted to say, in the words of Hamlet: "Words words, words." There was nothing tangible to go upon and the tenants of Calcutta were dissatisfied. But I am glad to say that Government was pleased to agree with us in our agitation that some sort of protection should be given to us and I compliment the Hon'ble the Maharajadhiraja Bahadur of Burdwan for giving us the Calcutta Rent Act and piloting it successfully through the Council. We are now precisely in the same position to-day. Here is a lengthy report which I hold in my hands. What does it contain? We are told briefly that they recommend the "constitution of a new Development Board with the double function of developing building land on a large scale in the suburbs and of controlling and co-ordinating measures for the improvement of Calcutta as a whole." A very worthy effort indeed! We are also told that while the suburban railway system is susceptible of improvement, the real obstacles to suburban railway expansion lie in the difficulty of access to the terminal stations from the business quarters of Calcutta. We were told of suburban expansion but no trace of it is to be found as yet.

Mr. PRESIDENT: I do not see what this has got to do with the subject under discussion.

Dr. H. W. B. MORENO: I want to show that the report does not meet the present situation and that the Government action making the Act to cease on the 31st March cannot be justified.

Mr. PRESIDENT: What do you propose to establish by reading certain passages which you yourself say do not meet the case at all?

Dr. H. W. B. MORENO: I only quote these passages in support of my argument that the report does not give us any tangible result to go upon. The Committee go on to say "that the whole scale of building, both for European and Indian houses, is at present unnecessarily high and extravagant. They hold that the chief factor in the cost of housing is still the high price of land. This is due largely to the reluctance of owners to sell, and to the holding up of land through the absence of sound ideas of land finance." Now, Sir, the whole report tells us of the future welfare of Calcutta, but my great cry, and the cry of the tenants of Calcutta, is this: "What are you doing for us at the present moment?" It is the old story of the Irishman's horse whom he wanted to train up as a war horse. A war horse must be used to great hardships and distress. He was fed first with a bale and next with a handful of straw; he then was fed with ricks of straw and the owner was exceedingly sorry that the horse did not answer his purpose. For just when the creature got used to the thing, it died. That is exactly the position with the tenants in Calcutta. We are told in the report that there is a prospect of improvement in railways and other communications generally, but there is nothing in the way of evidence at the present time; meanwhile the only Act which has protected the poor tenants from rapacious and unscrupulous landlords is going to be taken away. Sir, Government has always been honoured with the title of *Garib Purwar;* let them maintain that title by extending the life of the present Act by extending their strong arm to protect the interests of the poor tenants and thereby earn the lasting gratitude of Anglo-Indians and middleclass Indians, both Hindu and Muhammadan.

It is for this that I appeal to Government and to the House to give the Bill the support that it deserves at their hands, and it is with this view that I have moved that the Bill be referred to a Select Committee.

Sir, in the Committee which is to consider the Bill I have specially chosen people of various opinions and creeds. I have put, to represent the Government, a man like the Hon'ble Mr. Fazl-ul Huq, who will be in charge of it in the Hon'ble Mr. Surendra Nath Mallik's absence. I have put Mr. G. S. Dutt, Secretary of the Department concerned. I have put Mr. T. Emerson, C.I.E., who, as Chairman of the Calcutta Improvement Trust, must have the fullest knowledge of the conditions of housing in Calcutta. Next I have included Mr. S. C. Mukerji, the representative of the Indian Christian community; Mr. C. C. Das, to represent the depressed class; Mr. D. J. Cohen and Mr. Ashiny Coomar Banerjee to represent the landlords' interests; Dr. Bidhan Chandra Roy and Mr. H. S. Suhrawardy to represent the nationalist interests; Mr. Jones and Mr. Campbell-Forrester to represent European interests; and Mr. Tarit Bhusan Roy to represent the landlords' interests, and with

your permission—Sir, you have been very kind in allowing all sorts of extra things——

Mr. PRESIDENT: You must not carry away the idea that I have been very kind in allowing all sorts of extra things to be done. It is quite a fallacy.

Dr. H. W. B. MORENO: It may be a fallacy, Sir, so far as you are concerned, but it is otherwise with regard to your many admirers. With your permission, Sir, I wish to include in the list two other names, that of Mr. Nisith Chandra Sen and Mr K. C. Roy Chaudhuri. I should be very glad if these names be included as well.

I want to say one word in conclusion and I have done. The Bill is before you not as a matter for a party vote. It is a matter which concerns one and all alike, and I appeal to every member of the House to vote, not as representing a party but in view of the common interests of all. I hold that it is a matter which our Swaraj friends and Nationalist friends and others should support by their votes and I trust the Bill will commend itself to one and all in the Council.

One thing more I would say and that is this: We are here in a position of trust and responsibility—I said that before and I say it once again—and we should here act with a full sense of that responsibility. I say to my mufassal friends: "If you think the measure is a good and equitable one, give it your vote. Remember that one good turn deserves another. If you support the present proposal we will remember you in our turn when the Bengal Tenancy Bill comes up for revision." I may say that the greatest reward that an individual or a body of individuals can receive is the reward of the lasting gratitude of those concerned. Let us hope that the House will record its vote in such a manner as will support the Bill in its entirety and thereby earn the lasting gratitude of the tenants especially the poor tenants of Calcutta.

With these remarks I move that the Calcutta Rent (Amendment) Bill, 1924, be referred to a Select Committee consisting of the Hon'ble Maulvi A. K. Fazl-ul Huq, the Minister in charge of the Department for the purposes of the Bill, Mr. G. S. Dutt, Mr. T. Emerson, C.I.E., Mr. S. C. Mukerji, Babu Charu Chandra Das, Mr. D. J. Cohen, Mr. Ashiny Coomar Banerjee, Dr. Bidhan Chandra Roy, Mr. H. S. Suhrawardy, Mr. J. A. Jones, C.I.E., Mr. J. Campbell Forrester, Mr. Tarit Bhusan Roy, Mr. N. C. Sen and Mr. K. C. Roy Chaudhuri and the mover with instructions to submit their report in time for its consideration during the present session of the Council.

Mr. J. CAMPBELL FORRESTER: There are many members of this House who will remember that about a year ago—to be exact on February the 8th—I introduced the Calcutta Rent (Amendment) Bill and, in doing so, I gave figures and statements that were indisputable—

they were so convincing that an unsympathetic Government underwent that evolution that Mr. Das is so eager for them to again attempt. They had a "change of heart" and they agreed to extend the Act for another year. A year has passed and we must admit that building operations have been more active and while they have gone a considerable way to alleviate the lack of housing accommodation with rentals from Rs. 300 and upwards, but contend that conditions of those poor tenants with rentals from Rs. 3 to Rs. 300 is worse than ever. There seems to me to be still almost as much necessity to extend the Act for a further period as there was last year. Let us glance for a moment at the buildings that have been completed lately. We have got—

Galstaun Mansion	about	60	suites of rooms
1 Kyd Street in course of construction ..	"	50	" "
9 Elysium Row	"	6	" "
2 Ditto	"	6	" "
4 Little Russell Street	"	10	" "
		132	suites
		4	persons per suite
Accommodation for		528	persons.
Then, in Mandeville Gardens, 6 Houses ..		30	
		558	persons.

I also find in a list received from one of the leading House and Estate Agents of Calcutta—a list with 54 houses to let. It is true that you could not have received a list like this last year, but why are these houses empty or to let? Because the rents have been raised beyond the capacity of tenants to pay. Now, it may be pleaded as it generally is that if you extend the Rent Act you will be curtailing building operation and thus continue the shortage of housing accommodation. Of course, that argument is a false one as the Rent Act does not affect new buildings. But if you withdraw the Act, the people who are at present protected by the Act, will find their rents raised and will be forced into the position of removing into smaller houses or subletting to others and thus create over-crowding with the consequent danger to health. Well, Sir, I do not like this so-called Bill. It gives a 15 per cent. rise to the landlords and does nothing whatever to get to the source of the real trouble, namely, the persons who sublet. As a matter of fact it is not a Bill. There are many anomalies in the present Act that makes it of little value to large numbers of tenants. I claim to have dealt with all these anomalies in my Bill last year which was not accepted and recognising from my experience of the Government of the past the uselessness of wasting time in producing another Bill, I put a resolution down with the object of extending the present Act for another year as being the most likely method to meet the case but I forgot for the moment the new personnel of the Council. While I am not in entire agreement with

the Bill still I believe most firmly in the need for the extending of the Rent Act in some shape or form and I trust this House will vote for it being sent to a Committee, so that that Committe may be able to bring forth something in the shape of a Bill that will eradicate the anomalies of the present one. I am forced to the conclusion that there is an absolute necessity for the continuation of the Rent Act from the fact that I know the great difficulties that will have to be overcome before the housing supply will be equal to the demand. My experience as a member of the Calcutta Housing and Communications Committee have shown me how great the difficulties are. This Committee was appointed by the Government last year not for remedying the position but for the purpose of—

(1) examining the conditions which operate to produce a permanent lack of equilibrium between supply and demand in respect of housing accommodation in Calcutta, and

(2) generally suggesting what measures appear likely to offer some practicable solution in spite of financial stringency of the housing problem and to enable improvement to be made in the communications between Calcutta and the suburbs.

That Committee has done its work and their report has been handed to the Government and it is now up to the Government to take active measures. The Committee has gone into the whole of the details and placed them before the Government. I call Dr. Moreno's attention to these facts, and I regret to find that one who is interested in the housing accommodation of the city should take the opporunity of belittling the work of the Committee who in my opinion have issued a most valuable report. That goes to the root of this problem, and as I have already pointed out that was all they were asked to do by the Government. The economic position must also be taken into consideration. We recognised that the purchasing power of money is much less than it was in pre-war days: we also recognised that building, materials and the price of labour had gone up in price, and the remedy in this case is that you must economise in some way in building, alter the size of your rooms. The space must be curtailed and the height must be diminished; the real want of the public, I may say the great demand is, for suites of rooms containing one or two bed rooms bath room, combined dining and drawing room, verandah. The days for 6 and 8 rooms are gone; there are only a few of the Burra Sahibs and other wealthy people who can afford to pay for these expensive houses and when others take this sort of house on, they generally have to take paying guests in to share the expenses. This does away with privacy of family life. I have also observed in going through the city, the great spaces that are wasted in important centres, or if not exactly wasted they could be put to a much better purpose. Take for instance a portion of Corporation Street. You will find long lines of bustee. In the street, a similar

condition prevails at various districts in the neighbourhood from Dhurrumtolla Street to Park Street. The remedy is buildings of 3 and 4 storeys ought to be built on these important sites. This would distinctly help to relieve the demand for central accommodation.

Landowners must be made to sell waste building sites or build on them themselves within a certain time instead of holding these sites for years, waiting for a boom period. Financiers must be encouraged to assist building schemes by making mortgage securities more acceptable to them. The Government must also assist by finance. Why should not the funds of the Saving Banks be invested in the building of suitable houses for the citizens. After all it is their own money and surely the Government could not invest to better purpose than by helping the citizens to better housing accommodation by their own savings.

Calcutta must expand. It is practically an island. It is surrounded by a ditch. To get into or out of it you must cross a bridge. Your bridges are inadequate for the immense traffic that has grown. Before you can really grapple with this problem in a serious way—a way that is not tinkering, or pottering with this great problem, you must undertake the broadening of existing bridges and the erection of new ones are absolutely essential. Then you must have a better system of communications—circular Railway linking up the suburbs with a terminal in the very heart of the business part of Calcutta in the neighbourhood of the Royal Exchange. Until something of this nature is done, I fear our citizens will clamour for the protection of a Rent Act as being their only method of defence against the demands of increase from landlords.

I have seen the conditions of the housing accommodation of the domiciled community; the houses, that many of them live in are nothing more than hovels, huddled together in small rooms where they cannot observe even the ordinary decencies of life. On this matter I think the Council ought to start propaganda on behalf of these extremely poor people; ordinary feelings of humanity demands that action should be taken to protect these poor people, their conditions at present are one continual keen struggle for existence. I implore the members of the House to see that their burdens are not made heavier.

Therefore I support the motion and I hope the House will support it also and go to the proper lobby to vote so that this Bill may be sent to the Committee stage.

Babu DEBI PROSAD KHAITAN: I rise to oppose the resolution that has been moved by my friend Dr. Moreno. Before I deal with the necessity of further maintaining or preserving the Calcutta Rent Act, I think I should mention what the mover himself feels about the urgency of this measure when he threw out a bait to the mufassal members that the Bengal Tenancy Act will only receive due consideration

at his hands if the mufassal members will support him in passing the resolution brought before this House. Dr. Moreno, for whom I have respect, I find, cannot utter the word "landlord" without some adjectives which he considers to be permanent epithets of that class of persons namely, rapacious, greedy and unscrupulous———

Dr. H. W. B. MORENO: On a point of order, Sir, I did not say that. On the contrary, I have a just and considerate landlord. I ask the member to withdraw that expression.

Mr. PRESIDENT: I did not hear Dr. Moreno in the course of his speech-making use of these particular epithets to which you are taking exception.

Babu DEBI PROSAD KHAITAN: He repeatedly used those adjectives and everybody else heard them.

Mr. PRESIDENT: Very well.

Babu DEBI PROSAD KHAITAN: However, I am glad that he is repudiating them now. My friend Dr. Moreno has congratulated the Hon'ble the Maharajadhiraja Bahadur of Burdwan for having got this Bill enacted in the year 1919 or the beginning of the year 1920, I do not know which it was. But it will be remembered that the Hon'ble the Maharajadhiraja in introducing this Bill said that extraordinary circumstances necessitated the introduction of extraordinary laws which would not be introduced unless the conditions existing in the country were abnormal. The question now for consideration is whether the extraordinary circumstances that existed at the end of the year 1919 were the same as the circumstances that existed in the beginning of the year 1924.

Mr. Campbell Forrester referred to some economic circumstances, but I was surprised to hear from him that the purchasing power of the rupee has gone down. On the other hand he will remember that the purchasing power of the rupee has risen immensely since the year 1919 to 1924. If the rupee purchases a given quantity of food-grains or piece-goods or any other article, it certainly does buy much more today than it did in that year; therefore, if the value of the rupee has changed, it is that the purchasing power has risen since 1919, and therefore there is no justification for the statement that the purchasing power that existed in 1919 has deteriorated during the 5 years passed since then. Laws that encroach upon the application of economic principles should be very carefully scrutinised. In the economic circumstances that actually existed, the year 1919-20 was actually a period of great boom not only in trade and industries, but also in the matter of land and houses. These circumstances are well known to have disappeared altogether, and I hope Dr. Moreno and Mr. Campbell Forrester know very well that far from there being a boom in trade and industries the present period is a period of great depression. Therefore

in the circumstances that now exist, in the circumstances that exist relating to currency credit and exchange in the country, it is quite clear that even if no abnormal laws be passed, even if no encroachment be made by legislative enactment, it is not possible that the rents of houses will go beyond the proper level. Just as without passing any extraordinary laws the prices of other materials have gone down, so also the rents of houses will also remain low. The rents of houses cannot go up while prices of other materials go down; therefore I think that the Calcutta Rent Act which is only an encroachment upon the operation of economic principles is no longer required in the country. On the other hand, the continuance of a measure like this, really stands in the way of a permanent remedy of the situation; it hinders people from carrying on building operations and extending houses and building new houses. My friend will admit that it is only the building of new houses or the extension of exsisting ones that will really solve the situation. Last year when the Hon'ble Sir Surendra Nath Banerjea agreed to extend the period of this Act by one year, it was expressly understood that no further extension of that Act would be given, and I do not see any new reasons for further extending this Act. I did not understand Dr. Moreno when he tried to vilify the report of the Committee that was appointed last year. He does not seem to remember what he has stated in the Statement of Objects and Reasons. One of the reasons stated by him was that an extension of the time provided for in this Bill will give sufficient opportunity for the formulation of definite action which may be taken on the resolutions of the Committee appointed to inquire into the housing conditions of Calcutta. It appears that on the 21st December, 1923, he was in love with the very report which he to-day detests. In December, 1923, he thought that the Act should be extended as it is. To-day he is willing to compromise that this Act should not apply to rents higher than Rs. 250 or Rs. 300 or whatever be the amount so that he might get this Bill through. As I have already said, the real remedy lies not in extending this Act, but in leaving people to themselves to the operation of the economic principles, and I do not think that the people will really have to suffer if this Act be not further extended.

Mr. J. CAMPBELL FORRESTER: One word of explanation. With reference to economic principles, I based my remarks on the year 1914.

Maharaj Kumar SRIS CHANDRA NANDY: This Census Report has manifested a 50 per cent. increase in the Calcutta population. Increasing trade and commerce are responsible in a large way for the growth in the population. Capitalists and financiers, owners of mills, factories and workshops, public utility bodies, large firms and big companies, directly and indirectly, induce a large number of people to come and live in the town. The depletion of houses that resulted from the activities of the Calcutta Improvement Trust has never been made up owing to rise in wages and prices of building materials and for inadequate

return of the investment. Consequently housing accommodation has not kept pace with the increase in population. Shortage of houses and demand and bid for high rents have gone hand in hand as a result of such condition of things. The economic distress was felt more and more acutely after the War as its natural consequence. Sufferings of the poor increased and bad blood was created between landlords and tenants. One set demanded as much as they could get—the other refused to pay as they could not pay.

There may be some opposition, Sir, to this measure on the score that the usual course of the law of supply and demand is interfered with and proprietory rights are sought to be disturbed by legislation. But it is yet an emergency measure and the legislature should step in. Rich England, Sir, is still anxious to continue its housing legislation and means to extend it. Bombay, is also arranging for prolonging the life of the Rent Act there. Until cheap houses and tenements in a sufficiently large number are made available, there can be no solution of the housing problem. Until, less costly and speedy transport facilities are arranged for conveying people from suburbs and outskirts, no inducement can be offered to the overflow population to relieve the congestion in town areas. And until the Corporation, public utility companies, and the public put their heads together and find out a solution it will be cruel to leave the tenants at the sweet mercy of their landlords. With these words, Sir, I beg to accord my hearty support to the Bill and recommend it to be referred to a Select Committee.

Maulvi WAHED HOSSAIN: I rise to support this Bill and I wish to advance a few arguments in support of the proposals. First, it is said that there has been depression in trade, and that prices of land and buildings are going down; therefore, it is assumed that there is no apprehension that there will be an abnormal rise in rent. If so, what is the apprehension if the Bill is passed? If actually there is no apprehension that there will be a rise in rent, then let the Bill be passed and remain as it is, as a matter of safeguard. No one has asked the Government to take one side or the other, that is, either the side of the landlord or the side of the tenant. What we want is a mere safeguard if there be any abnormal rise in rent. One more argument may be advanced. Perhaps it will be said that in a voluntary agreement between two parties, Government should not interfere. I beg to point out that there are instances where the two parties have entered into a free agreement, and yet the Government have interfered in order to provide a safeguard. Take for instance, the Bengal Tenancy Act; there is a limitation that there should not be a rise in rent by more than two annas in a rupee, and this has been done by legislation. Then take the case of the Usurious Act, there is a check upon unscrupulous demands of those persons who want a high rate of interest.

I can also give other instances in support of my point. My argument is this: that when there is a free and voluntary agreement between two parties Government should not interfere, but Government should interfere when there is an apprehension that unjust and undue advantage is likely to be taken by one party upon the other. I may say one thing more. As a person living in the northern part of the town, I know the distress of the poorer class upon whom landlords have come down with a demand for increasing the rent. In fact, I know personally that there has been acute distress in the northern part of the town for want of proper housing accommodation. Therefore, I beg to support the proposal for referring the Bill to a Select Committee.

Mr. P. C. MITTER: At the desire of many members of my constituency I want to say a few words. The members of my constituency are opposed to this Bill, and I deem it my duty to enter a protest on their behalf at this stage. But apart from the desire or the wishes of this limited class, I think it right that I should sound a note of warning against tinkering measures of this kind. When my esteemed friend the Hon'ble the Maharajadhiraja Bahadur of Burdwan piloted the original Bill in the old Legislative Council, I put forward that note of warning. In one word, Sir, the plea which I then took, will be my plea to-day. My plea was, that proper solution was more production. Let there be cheaper housing accommodation by all means, but that end can only be attained by more production. I then said, as I repeat to-day, that it is a crying shame that poor men should have to pay more than what they could afford for a roof over their heads. It is the duty of the Government, and more than that of the Government, it is the duty of public representatives to put an end to such a state of things. But what has the Government done? Practically nothing. While I was in the Government, I tried my level best to induce the Government to examine this question fully, but without success. But what have the public done to put an end to this crying shame! Nothing, and what is the reason? The reason is tinkering methods, easy methods, were adopted rather than a real solution. To-day Dr. Moreno must admit, and everybody must admit, the Hon'ble Member in charge of the Department must also admit, that there are any number of vacant plots all about the town, vacant plots valued at a lakh or two or even three lakhs of rupees lying idle. Why? Because capital is not organised. When in 1919 the Rent Act was passed, money could be had in Calcutta at 6 per cent., to-day the rate is 10 per cent. on a first mortgage, on absolutely first class security, but Government can borrow money at 6 per cent. If we have legislation on proper lines it ought to be quite easy for the Improvement Trust or some other body properly constituted to borrow money at 6 or 7 per cent. for development purposes, and those who will take money from that development Board or the Improvement Trust, or whatever name you may give that body, they may be required as a *quid pro quo* to let out in their

turn to tenants, say, at 5 per cent. on the value of the land and building; it will pay the landlord to borrow at 7 per cent. for the sum required for building and let out at 5 per cent. on the value of the land and building. Legislation on these lines will be the true solution of this great problem. But if you pass a measure like this in haste—and even Dr. Moreno admitted that he drafted this Bill hurriedly—the result will be that the true solution will be retarded. A year hence when some member will suddenly wake up to the necessity of finding a solution, an equally hurried Bill will again be put forward for the extension of that Bill for one year more—the true solution will not be attempted. If you want to solve this problem, you will have to find cheaper money for building houses; better facilities for transit. Those who know the cities of the West know how easy it is to travel fast for a small sum of money; those who are familiar with the old-fashioned means of transit in this town know how expensive it is and how dilatory it is to travel from the heart of the town to a place like Behala or Tollygunge. These are the lines to which the Government and the representatives of the public should confine their attention. Now if there be any justification for the Rent Act for the poorer tenants, I say in all seriousness is there any justification for a Rent Act for men who make ten to twelve thousand a month or four to five thousand a month? Absolutely none. If such men are asked to pay even an exorbitant rent, there is no justification for a Rent Act.

Mr. EDWARD VILLIERS: Who are they?

Mr. P. C. MITTER: My friend asks who are they? Well, my friend may be one of them.

Mr. EDWARD VILLIERS: I am looking for that hypothetical income.

Mr. P. C. MITTER: Some of my friend's compatriots have more than that income. My European friends behind me, my Swaraj friends opposite assert that they come here to exploit India—they might be right or wrong—but it must be conceded that the Britisher comes here to make money—and we all of us try to make some money—that is a common human weakness, and where they make a large income, they cannot say that the sanctity of contract should not apply to their case. I can well understand the case of a poor toiler living in a bustee-hut, or worse still, the case of a poor man belonging to the poorer Bengali *bhadralok* class, whose lot is harder—a man earning 30 or 40 rupees a month and paying Rs. 15 a month for putting his head under a roof—his lot is harder than that of a mere labourer. I for one would always support any measure for their protection. But with regard to a man making, say, Rs. 500 a month and spending money in luxury asks that the sanctity of contract should be broken, I for one have no sympathy

for him. It will be against all tenets or equity of justice and although my voice may be the solitary voice against the proposal, I must on principle protest against the Bill being referred to a Select Committee. I therefore oppose the motion for referring this Bill to a Select Committee.

Mr. H. BARTON: In supporting this Bill I am very sorry to observe that my friend Dr. Moreno should have thrown a sprat to catch a mackerel. Personally I do not think he has the authority from his constituency to offer a compromise of this nature in a question of this kind. What we are out for is justice and protection—it is not a question whether we are rich or poor. We want to have a law introduced which will operate with equity to both parties and the proper person to give us this justice and protection is the Government, and we are come here to appeal to the Government to afford us the protection which we seek. Talking about the purchasing power of the rupee, I am inclined to think that it is in favour of the landlord, because the higher the purchasing power of the rupee, the higher he raises his rents. What we are to deal with here are facts. We will not get the facts from the speakers in this House. The landlord will defend his position, the tenant will also defend his position. The people from whom we can get facts are those who are really suffering under the alleged pressure of the landlord. These people are not in this House, and what harm would there be in allowing this Bill to go to a committee, and that committee can call upon these persons to give evidence and prove to them conclusively that the landlord holds domination over them. I do not think that the depression of trade or the flourishing of trade affects the landlord one way or the other. The question is that the people must have houses to live in and the persons who can provide these houses are the landlords. The Rent Act did afford some measure of relief, but even then the landlords circumvented it by going to the Small Cause Court and get decrees against the tenants. What we have to face is the fact that thousands of people are crying for redress. Their complaint is, as a result of actual experience, that they dread pressure by a large number of landlords. People do not cry out for nothing. It may perhaps be said that because the Act was once allowed to come into operation, the public are taking advantage of it and the tenants are putting forth all sorts of arguments and excuses for its continuance; but that is not so.

With regard to drawing a dividing line between the rich and the poor, I am afraid no one with a sense of justice will be prepared to support it. We are told that there are vacant plots lying all over Calcutta, but I think any one with his eyes open will be able to tell you that those who possess a single plot of land take good care to raise upon it 5 or 6 storeyed buildings, thereby converting one plot into six. A plot of ground in Park Street on which originally stood only two

buildings, each perhaps realising a rental of Rs. 600, to-day has no less than six flats built upon it able to accommodate, I am told, about 170 families. You can then judge the amount of return it gives to the landlord, in spite of the fact that there are so many vacant plots of land lying about Calcutta. In every direction to-day we find houses springing up and even then the rental is exorbitant. It is beyond the means of most people. Those who are in good circumstances have to live in decent quarters, but then the amount they pay for rent is out of all proportion to their earnings, and even they are entitled to protection. What I wish to say is this, that we cannot get the facts of the case in this House; we must get them from the people most affected, and I think any fair-minded person will not object to the proposal that this Bill should be referred to a committee. Let that committee decide in the matter and we shall abide by the decision of the committee.

Babu SAILAJA NATH ROY CHAUDHURI: I beg to propose that the following names be added to the Select Committee:—

Rai Harendranath Chaudhuri, Babu Surendra Nath Ray, Mr. P. C. Mitter, Babu Taraknath Mukerjea and Babu Satya Kishore Banerjee.

Mr. PRESIDENT: Have you asked the members whom you name whether they are willing to serve?

Babu SAILAJA NATH ROY CHAUDHURI: Yes, they are all willing to serve.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Maulvi A. K. Fazl-ul Huq): In the absence of the Hon'ble Minister in charge of the Department of Local Self-Government it has devolved upon me to explain to this Council the position which Government propose to take up with regard to this Bill. There seems to be a somewhat widespread feeling that Government are not in sympathy with the difficulties of tenants in Calcutta and that somehow or other their sympathies are rather with the landlords. This is an entirely mistaken idea, which I hasten most emphatically to dispel. The decision that has been come to by Government in regard to this Bill has been arrived at after careful consideration of various circumstances, not the least amongst which are the difficulties to which the tenants generally in Calcutta have been subjected during the last few years.

Before I go on to discuss the question of the provisions of the Bill, I would ask permission of this Council to state very briefly the history of rent controlling in Calcutta.

The history of rent controlling in Calcutta is briefly as follows:—

At the meeting of the Bengal Legislative Council held on the 3rd September, 1919, the Hon'ble Mr. W. H. Phelps moved that "the Governor in Council be recommended to appoint a Commission to inquire into the causes of excessive land values and high rents in

Calcutta, and, if possible, to suggest remedies. The resolution was accepted by Government and a Committee representative of the various interests was appointed to inquire into the question. The Committee submitted their report. It vetoed the suggestion of a Rent Bill, but recommended that instead of an Act controlling rents, an Act may be passed protecting tenants liable to ejectment in Calcutta, Howrah, and other suburban municipalities and that the ejectment may be postponed for one year. They also made certain other recommendations, of which the important ones were—

(*i*) the creation of a Development Board in Calcutta for the purpose of carrying out building schemes;

(*ii*) the expansion of Calcutta;

(*iii*) the improvement of suburban railway communication;

(*iv*) the removal of factories to the outlying parts of the city; and

(*v*) the removal of the Mint.

The action taken by Government on the recommendations of the Rent Committee was made known to the Council by the late Minister for Local Self-Government in his reply to a question put by Colonel Pugh at the meeting of the 1st April, 1921.

It will thus be seen that Government did not accept the suggestion of the Committee postponing the ejectment of tenants for one year but passed instead Act VI of 1920 which is known as the Calcutta Rent Act.

In the beginning of 1923 Mr. Campbell Forrester introduced a Bill to amend the Rent Act and to extend its life for a further period of three years. There was a sharp cleavage of opinion in the Council as regards the necessity of rent control. As a compromise Government extended the Act up to 31st March, 1924, by the Calcutta Rent (Amendment) Act, 1923 (Bengal Act II of 1923) and at the same time appointed a Committee—

(*1*) to examine the conditions which operate to produce a permanent lack of equilibrium between supply and demand in respect of housing accommodation in Calcutta; and

(*2*) generally to suggest what measures, whether legislative or of other kinds, appear likely to offer some practicable solution, in spite of financial stringency, of the housing problem and to enable an improvement to be made in the communications between Calcutta and the suburbs. This Committee called the Calcutta Housing and Communications Committee submitted their report in December last which was published in the *Calcutta Gazette* of 2nd January, 1924.

My friend Dr. Moreno now proposes to introduce a Bill further to extend the Act to 1927 and to amend section 2 (*f*) (*i*) so as to raise the "standard rent" from 10 to 15 per cent. But quite apart from that the existing Act suffers from many serious defects. Briefly it may be

state that the present Act has not been satisfactory either to the landlord or to the tenant. If therefore any controlling Act is at all necessary it must be one which is acceptable to both. The mere continuance of the Act with a small alteration as proposed by Dr. Moreno which my friend Mr. Mitter says is merely a tinkering method will not do.

The glaring defects of the existing Act were pointed out by Mr. Campbell Forrester in his Statement of Objects and Reasons to his Bill of 1923. He has repeated some of these in his speech to-day and I would repeat some of them for further consideration. Briefly the defects are these—

(*1*) The definition of "premises" in the existing Act includes a part of a building but not a part of a hut. Such huts therefore remain outside the scope of the Act.

(*2*) Godowns and warehouses are excluded from the Act. Some unscrupulous landlords may require a tenant in a lease to admit that the premises are leased out for godown or warehouse purposes, although as a matter of fact they are going to be used for shop or office purposes which come within the purview of the Act.

(*3*) The standard rent of any premises under the Act is the rent at which the premises were let on the 1st day of November, 1918, or the rent at which they were last let before that date and after 1st November, 1915, plus 10 per cent. of such rent. Some lucky landlords had their houses rented to casual tenants for a short space of time in November, 1918, or after the first day of November, 1915. This perpetuates a high rent.

(*4*) The Act does not authorise the Rent Controller, while fixing the standard rent, to direct that premises should be made habitable. In the absence of such a provision some landlords may refuse to accept any responsibility for repairs after the rent has been standardised.

(*5*) The Act does not preclude the owner of a holding from ejecting his tenant when the holding is required for the purpose of building or rebuilding. It is therefore easy to evade the provision of the Act by moving for the ejectment of the tenant on the flimsy grounds of a desire to rebuild.

(*6*) If a tenant is ejected under the Act all he has is a right of re-entry after six months if the landlord does not utilize the premises for his own use. The landlord purposely keeps it vacant and gets a considerably enhanced rent. Some times a tenant is unnecessarily harassed in this manner and put to great expenditure.

(*7*) The present Act defines landlord as including "a tenant who sublets any premises"; its object was to prevent profiteering by tenants as well as by the persons ordinarily designated as landlords. This object has, however, been defeated as the courts have held that where subletting took place after 1st November, 1918, the act of subletting constituted a case of "first letting" and the rent fixed for a portion

of the building by such lease, becomes the standard rent under section 2 (*f*) (*ii*). This defect has, however, been somewhat remedied by the recent decision of the High Court in the case of Rebeiro *vs.* Jacob reported in 27, C. W. N., page 569, but even this has not brought any appreciable relief.

(*8*) The law is also being evaded by bogus leases, in which a reasonable rent for the building is stated, but an exorbitant amount is assigned for the use of furniture.

(*9*) Under section 18 read with section 24 of the present Act, the President tries an appeal from the Rent Controller as though it were an original suit, in accordance with the Civil Procedure Code, 1908. The result is that proceedings before the President are tried *de novo* without reference to the proceedings before the Rent Controller. As a result, a tenant who applies for the standardization of his rent, first attends the court of the Rent Controller where the case is carefully tried. The landlord may then take him to the Tribunal where the case is again heard with all the elaboration of an original civil suit and he may be again dragged by a suit for ejectment to the Court of Small Causes at Calcutta or Sealdah. Evidence which was not adduced before the Rent Controller becomes relevant before the President of the Tribunal and the second hearing of the case is therefore as prolonged as the first.

Sir S. N. Banerjea who was then in charge of Local Self-Government while allowing an extension of the Rent Act in February, 1923, made the following observations in his speech at the Council:—

> The facts that have been gathered are meagre and inconclusive and afford no justification for the continuance of the Rent Act, except for a very limited period. We have had a divergence of facts, a conflict of opinions in this Council Chamber; here is my friend, Babu Surendra Nath Mallik, who came forward with a record of vacant houses; if that means anything, it means that the supply of house accommodation is nearly equal to the demand. On the other hand, we have had an elaborate array of figures given us by Mr. Campbell Forrester—he has taken infinite trouble in this connection to show that the extravagant demands of the landlords continue and that they impose exacting rents. This was in the year 1921-22. If that means anything, it means that the Rent Act has been infructuous.

Now, Sir, so far as the present provisions of the Rent Act are concerned, I have endeavoured to point out to the Council some of the serious defects from which that Act suffers, and I have already submitted that although the sympathies of Government are with the tenants, they are not prepared to accept the position that a mere extension of the Act will remedy the evils from which tenants at present suffer. I may mention, Sir, in passing that the Committee that was appointed did not recommend the continuance of any rent control. On the contrary the Committee considered the question of high rent and with the permission of the House I will briefly mention some of the causes, which in the opinion of the Committee lead to these high rents.

According to the Committee, high rents are mainly due to high land values which again are due to the following causes:—

(a) The great demand for land ownership.

(b) Unwillingness to sell at less than a rate in the owner's mind. He prefers to wait until he "gets his price".

(c) Complete absence of any conception of loss of interest on capital invested in land.

(d) Satisfaction of the great body of landholders with a low rate of interest (on their idea of capital value) in the form of rent.

(e) The attractiveness of landholding as a form of investment for safety.

(f) The opportunity that landholding gives for gradual investment by way of building development. Building is almost a national recreation in Bengal.

(g) The desire to provide housing for descendants.

(h) The tendency of the Indian family system to keep relatives in one locality and so produce interacting pressure.

(i) Factories and industries in town areas.

(j) Government buildings, estates and activities in the central areas which could be equally well carried on in the outer areas.

(k) Malaria on the outskirts.

(l) Lack of communications.

(m) Satisfaction with overcrowded houses and insanitary conditions.

(n) High cost of development of outer areas, particularly of sewage disposal.

(o) Feelings of the people in regard to sewage disposal by septic tanks, etc.

(p) Growth of population and attraction of towns to wage-earners.

None of these can be removed by rent control.

I may mention that action is being taken by Government to give effect to those recommendations of the Committee, *e.g.*, the appointment of a tramways committee and the removal of the mint, on which it is possible to take early action. Other matters, such as the creation of a Development Board, amendment of the Land Acquisition Act with a view to its application in favour of building Societies, will involve careful inquiries and while it is obvious that these recommendations cannot be carried out without further careful investigation as to their practicability, their effect, even if carried out, would not be operative in relieving the situation until after a considerable period of time. The only remedy therefore lies in allowing the Law of Supply and Demand to operate to restore equilibrium. Sufficient notice has already

been given to both landlords and tenants. Following were Sir S. N. Banerjea's words in extending the Act in February, 1923:—

> We extend the time in order to avoid any inconvenience, hardship, or loss that may arise from a sudden stoppage of the existing system. It may be regarded—I am speaking to lawyers here—in the light of a fair notice. But, behind it there is the underlying hope that capitalists relieved from their anxiety by the prospect of the removal of the Rent Act, will invest their money in building operations and thus contribute to equalise the supply and demand in respect of house accommodation.

Government have been assured by persons who are expected to know, that there has already been a sufficient amount of activities on the part of landlords to build houses which has gone far to relieve the condition of things prevailing in the city. In these circumstances, Sir, as at present advised, Government do not think that a mere continuance of the Rent Act on the lines proposed by the Bill will meet the situation. I therefore very much regret that in spite of all our sympathies with the objects Dr. Moreno has in view, Government feel constrained to oppose the proposal to refer the Bill to a Select Committee.

Mr. PRESIDENT: Sailaja Babu, do I understand that your wish is to add five more members to the Select Committee? If so, you should do it in the form of an amendment.

Babu SAILAJA NATH ROY CHAUDHURI: I beg to move that the following names be added to the Select Committee:—

Mr. P. C. Mitter, Rai Harendranath Chaudhuri, Babu Surendra Nath Ray, Babu Taraknath Mukherjea and Babu Satya Kishore Banerjee. My reason is to make the Committee more representative in character.

Mr. PRESIDENT: In what way will you make it more representative? We already have 15 names on the paper. How will 5 additional names make the Committee more representative?

Babu SAILAJA NATH ROY CHAUDHURI: They are mufassal people and they may have something to say about the Bill.

Mr. PRESIDENT: I think the Council is entitled to have some valid reasons for adding these extra names. I have a discretion to accept motions without notice, but I do not think I should use my discretion without any reason.

Babu SAILAJA NATH ROY CHAUDHURI: The mover of the motion agrees.

Mr. PRESIDENT: Dr. Moreno, do you agree?

Dr. H. W. B. MORENO: I have not the least objection, if the inclusion of these names is to give the Committee a more representative character. I shall be very glad to include specially Mr. P. C. Mitter.

Babu NIRMAL CHANDRA CHUNDER: I had no desire to take part in this discussion, but after the speech of the Hon'ble the Minister, I do not think I will be doing my duty to my constituency, which is a Calcutta constituency, unless I say something, and it is simply this. We have the Rent Act, but the Hon'ble the Minister says that it is defective, and, therefore, we are told that half a loaf is not better than no loaf. The Hon'ble the Minister has told us that there is a programme before the Government which they are going to carry out for the amelioration of the poorer people of Calcutta. Well, Sir, we shall have to wait till Doomsday before the programme is carried out. The Calcutta Rent Act is going to cease from the 31st March, and what is to happen in the meantime?

Then, taking the whole of Bengal, we have got nine-tenths of the people living under rent laws. The poorer tenants the raiyats are given a certain amount of protection, whereas as regards the tenure-holders it is a matter of contract. Why one-tenth of the people living in towns should be differently treated I have not been able to understand. The same reasons will apply, only the difference in the case of a town is that you require buildings which require the investment of capital, whereas in the mufassal there is the land which in the beginning belonged to nobody and the title to which originated in mere appropriation and nothing better than that. In Calcutta, just as there are buildings, you have got to get the land to build upon. Therefore as nobody has manufactured the land, I do not see why the buildings being on the land, the capitalist should not be made to be content with a certain amount of interest on his capital at a certain rate; and why should all the unearned increment be taken by the capitalists or the landowners? The Government has given no reason. It may be that a temporary Act will not do; but if a permanent Act is wanted, the enlarged Committee, which has been accepted by Dr. Moreno, is to be a representative Committee, will not be prevented from making it a permanent Act and we do not see why it should not do it. So, as I began by saying and I say it again—half a loaf is better than no loaf. So far as the tenantry is concerned, they must have some protection. The tenantry in Calcutta may not be so ignorant as the tenantry in the mufassal, but at the same time the amount of intelligence they have here is not such or it is not so widespread that they can do without any protection. With these few words, I expect that this House will have the Bill referred to a Select Committee.

Mr. M. DAUD: My friend, Dr. Moreno, has brought in a Bill to extend the life of the Calcutta Rent Act. The condition of the tenants in the absence of the Rent Act would become unbearable. Those tenants who had taken advantage of the Rent Act and had their rents standardised by the Rent Court would be put to a great pressure by their landlords if the Rent Act is not extended and as soon as it will not be

extended the landlords will at once go to the Civil Courts and get the tenants ejected. The general condition of the tenants will be, if the Act is not extended, that they will be absolutely in the clutches of the landlords and the landlords will play with their tenants according to their wishes. The poorer classes of the city require the Rent Act. That is one of the reasons why it should be extended. There are, of course, some reasons why tenants cannot enjoy the benefits of the Rent Act, but still so long as the landlords remember that there is the Rent Act, it will act as a check on them and so far as the poorer tenants are concerned, although they have not the capacity or some of them cannot go to the Rent Courts, the landlords know well that the tenants enjoy some benefits and the landlords will not accordingly oppress them. I think, therefore, that Dr. Moreno's Bill should be referred to a Select Committee, and on behalf of the poorer tenants I support the motion for referring the Bill to a Select Committee.

Mr. J. A. JONES: I think the position as regards the question before the House has been very aptly put by my friend, Mr. Nirmal Chandra Chunder, when he said that the question is "What is to happen now"? We, or at least most of us, know that there is a very large number of tenants paying anything from Rs. 50 to Rs. 150 as rent and in fact also sums lower than that and they are anticipating—I believe not without any substantial reason—that as soon as this Act lapses, their rents which are already extremely heavy on them will be increased by 50 or even 100 per cent. Now, the Hon'ble Minister has drawn a picture of the good time coming when there will be more committees to regulate housing, and to consider how the conditions will be improved. But he has also admitted that many years will elapse before the labours of these committees will produce any effect whatsoever upon the existing problem—the existing problem being, as I may remind the Council, that from the 1st April, or as soon after as possible, many landlords in Calcutta will unquestionably increase their rents from Rs. 50 to Rs. 100 or from Rs. 75 to Rs. 150 and so forth. The question before the Council, is, as Dr. Moreno has pointed out, the question of the poor—the question of those who will undoubtedly be penalised as soon as this Act lapses. Now, so far as they are concerned, the Hon'ble Minister has no comfort to offer: he tells them that the best thing is to let the law of supply and demand have its beneficial effect. Well, I rather suspect that if my friend the Hon'ble Minister was paying a rent of Rs. 50 out of a salary of Rs. 150 and he was told that his rent was going to be increased 100 per cent., he would not think so kindly of the law of supply and demand. What is going to happen to the tenants? I am not, Sir, like my friend a person who thinks that all landlords are criminals or thieves. I am quite aware that landed property in Calcutta yields a very modest return on the capital that has been invested. I am perfectly aware also that there can be no permanent remedy for the congestion of Calcutta except by the means

indicated in the very excellent reports of the Committee which recently sat. I am also aware that the present Calcutta Rent Act contains a large number of defects, though I cannot help thinking that the Hon'ble Minister was a little unkind to the illustrious colleague by his side in criticising so severely his legislative efforts of three years ago. But we learn as we go along. Now that the Hon'ble Minister is so fully aware of the defects of the present Act, it will not be impossible for him with the aid of the Hon'ble the Maharajadhiraja Bahadur, to amend the legislation which he has found so faulty. In any case, I come back to the point which is really very important: that when this Act lapses, the conditions of life will become impossible for some hundreds and thousands of people in Calcutta and Government has no remedy for them except the law of supply and demand. On these grounds, I would certainly vote for Dr. Moreno's motion.

Dr. H. W. B. MORENO: I have been very patiently waiting for some sort of solid argument against the extension of the Rent Amendment Bill and frankly speaking I have been very much disappointed. My friend, Mr. Debi Prosad Khaitan, whom I hold in very high respect, has told us of the high purchasing value of the rupee and so forth: but he omitted to say one very important thing and that is the point at issue how house rents specially for the poor were not coming down. If Mr. Khaitan doubts the veracity of this statement, I shall be very glad to take him round to some of the flats occupied by these poor people and I could show him some of the notices they have received that from the 1st April, 1924, their rents are going to be raised by leaps and bounds. That is the actual position, as Mr. Jones has pointed out. I am not concerned with any of these abstract arguments as to the purchasing value of the rupee. I am here to protect on behalf of those who are in a terrible state of anxiety because rent values in Calcutta are going up and show no inclination of coming down.

I was very glad to hear the speech of Mr. Provash Chunder Mitter in which he criticised the Government and said that something must be done in the way of production that things cannot go on indefinitely in Calcutta like this without more and more houses becoming available and I was very proud to hear him say that he had every sympathy with these poor tenants who are now subjected to all sorts of demands. He is in sympathy with them and I am very glad that he has been included in the Select Committee.

Mr. PRESIDENT: It is only an amendment proposed to your motion and it has still to be put to the Council.

Dr. H. W. B. MORENO: Very well, Sir. On behalf of the poor Hindu, Muhammadan and Anglo-Indian people who realise what is going to happen on the 1st April next, as they have been served with notices already, I wish to say that their position is intensely critical. Does the Government wish to face a situation of that kind in the near

future? There will be a howl all round from these people who are not satisfied and will go on making demands for some such intervention. Is the Government in these times of emergencies prepared to face this additional emergency? Government had better be careful before they accept a position of that kind. Even with regard to the Hon'ble Minister who spoke on behalf of the Government from the manner in which he spoke I imagined that his heart was not in his speech—I was led to believe it because I realise that he is, like myself, a tenant in Calcutta, and is likely to come under the provisions of the Bill when it will be extended; and he will suffer if it be not extended—though I hope he will not. Anyway, Sir, what has he said to us? He has spoken to us of future things—of what will be done by the Development Board in the matter of suburban communications but all the while, as Mr. Nirmal Chandra Chunder has pointed out, there is nothing offered to the people of Calcutta at present. The Hon'ble Maulvi Fazl-ul Huq has said that Government is opposed to a mere extension of the Act. I agree to the Act being made a permanent and useful measure. When I put in the Bill I only wished to see the life of the Rent Act extended and I am glad to find now that not only its life will be extended but that its provision will be altered; so that it will be made a better Act than it is at present. That, I think, is the best reply I can give to the Hon'ble Minister. It is not a mere extension that I claim but I want that the anomalies and defects in the present Act will be remedied. I want to afford a just and proper protection to the tenants as well as to the landlords. Therefore, as no real argument is brought forward against my motion, I hope that my motion will be accepted by the House.

Mr. PRESIDENT: Order! order! The question before the Council is—

That the Calcutta Rent (Amendment) Bill, 1924, be referred to a Select Committee consisting of the Hon'ble Maulvi A. K. Fazl-ul Huq, the Minister in charge of the Department for the purposes of the Bill, Mr. G. S. Dutt, Mr. T. Emerson, C.I.E., Mr. S. C. Mukerji, Babu Charu Chandra Das, Mr. D. J. Cohen, Mr. Ashiny Coomar Banerjee, Dr. Bidhan Chandra Roy, Mr. H. S. Suhrawardy, Mr. J. A. Jones, C.I.E., Mr. Campbell Forrester, Mr. Tarit Bhusan Roy, Mr. K. C. Roy Chaudhuri, Mr. Nisith Chandra Sen, and the mover with instructions to submit their report in time for its consideration during the present session of the Council.

To the above motion an amendment has been moved that the following names shall be added:—Mr. Provash Chunder Mitter, C.I.E., Rai Harendranath Chaudhuri, Babu Surendra Nath Ray, Babu Taraknath Mukerjea, and Babu Satya Kishore Banerjee.

I shall put the amendment first.

The amendment was put and agreed to.

The amended motion was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Ashmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ali, Maulvi Syyed Sultan.
Ali, Mr. Altaf.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjee, Dr. Pramathanath.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Bose, Babu Bejoy Krishna.
Carey, Sir Willoughby.
Chakraverti, Babu Jogindra Chandra.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Harendranath.
Chaudhuri, Maulvi Md. Nurul Haq.
Chaudhuri, Maulvi Syed Abdur Rob.
Cholnuddin, Khan Bahadur Maulvi Md.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Cottle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dutta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Bareda Prosad.
Forrester, Mr. J. Campbell.
Gafur, Maulvi Abdul.
Ganguli, Babu Khagendra Nath.
Godfrey, Sir George.
Guha, Mr. P. N.
Haldar, Mr. S. N.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Haque, Maulvi Sayedal.
Hussain, Khan Bahadur Maulvi Musharruf.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Jeardar, Maulvi Aftab Hossain.
Jones, Mr. J. A.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Lal Mahammad, Haji
Mahammad, Maulvi Bashar.
Maity, Babu Mahendra Nath.
Maulik, Mr. Syed M.
Mitra, Babu Satyendra Chandra.
Morgan, Dr. H. W. B.
Mukerjea, Babu Tarakanath.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Nazimuddin, Khaja.
Neogi, Babu Manmohan.
Philip, Mr. J. Y.
Quader, Maulvi Abdul.
Rahman, Mr. A. F.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Rose, Mr. C. F.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy, Mr. Tarit Bhusan.
Ray, Raja Manilal Singh.
Roy Chaudhuri, Babu Saileja Nath.
Roy Chaudhuri, Mr. K. C.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalinranjan.
Sarkar, Maulvi Allah Baksh.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Suhrawardy, Major Hassan.
Suhrawardy, Mr. Hussyn Shaheed.
Tarafdar, Maulvi Raju Uddin.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Wilson, Mr. R. S.
Yasin, Maulvi Muhammad.

AYES.

Banerjee, Babu Satya Kishore.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dass, Rai Bahadur Pyari Lal.
Dunn, Dr. T. G. D.
Dutt, Mr. C. S.
Duval, Mr. H. P.
Faruqui, Mr. K. G. M.
Ghuznavi, the Hon'ble Haji Mr. A. K. Abu Ahmed Khan.
Huntingford, Mr. C. T.
Huq, the Hon'ble Maulvi A. K. Fazl-ul.
Khaitan, Babu Debi Prosad.
Lees, Mr. D. H.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, Babu Provash Chunder.
Moberly, Mr. A. H.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.

The Ayes being 90 and the Noes 25, the motion was carried.

Resolutions

on matters of general public interest.

Withdrawal of resolutions.

The following resolutions were not moved:

Babu SATYA KISHORE BANERJEE: "This Council recommends to the Government that official members of this Council should be advised not to vote in the Council on matters relating to transferred subjects although they may take part in the discussion."

Babu TARAKNATH MUKERJEA and Mr. B. CHAKRAVARTI: "This Council recommends to the Government that official members of this Council be advised to abstain from exercising their right of voting on matters relating to the transferred departments."

Babu SURENDRA NATH RAY: "This Council recommends to the Government that in any matters relating to purely transferred subjects the official members other than Ministers be adivsed not to vote although they may take part in the discussion."

Abolition of post of Director of Public Instruction.

Babu JATINDRA NATH BASU: I move that this Council recommends to the Government that the post of the Director of Public Instruction, Bengal, be not filled, on the post becoming vacant by reason of Mr. Hornell's retirement or departure on leave.

I propose that the Council should recommend to the Government that the post of the Director of Public Instruction, Bengal, be abolished. We have for several years been urging upon the Government the necessity for simplifying the administrative machinery by lightening the burden of its personnel. It has been urged on behalf of the people that the administration is top-heavy and that there are too many highly paid officers at headquarters whose presence there do not tend either to the efficiency of the department or to the better carrying out of public work. When the reformed administration was inaugurated there was no Secretary attached to the Department of Education. We have now a Secretary attached to it in addition to the Director of Public Instruction. The Director himself has practically nothing to do in the way of inspection. The work of inspection is done by the Divisional Inspectors and by the staff under them.

The Director is a headquarters man working under the supervision of the Minister. The functions that the Director has to perform may very

well be performed by the Secretary of the Department assisted as he is by the controlling authority of the Minister.

During the last 13 years the growth of the headquarters staff has been out of all proportion to the actual work turned out by the Department of Education.

Mr. Hornell has gone on leave preparatory to retirement. Mr. Dunn has been appointed to act in his place. If an education expert is necessary to assist the Minister of Education, there is no reason why a member of the Educational Service should not be appointed to the post of the Secretary of that Department.

We must remember that higher education is looked after by the University. For schools in which secondary education is imparted, we have governing bodies for each school. During the last 20 years the quality of governing bodies has largely improved, so that the schools require less of supervision now.

I commend the resolution to the acceptance of the House.

Mr. W. L. TRAVERS: The resolution before the Council proposes that the Director of Public Instruction of this Province shall be eliminated. Now, Sir, whatever maybe our opinion upon politics, we cannot doubt, here in Bengal, that there are three directions in which progress of social reform is essential. To alleviate suffering and to decrease the terrible death-rate of this province; there is a paramount necessity for the improvement of public health and the water-supply of the people. To increase their wealth, and thereby raise their standard of comfort; agriculture must be uplifted to give heavier crops—more certain, more profitable. Finally, to bring more happiness to the poor, to make better servants for the Motherland, to permit health and wealth to march onward, there must be more and better education. I am sure that the members of this Council are unanimous in their agreement about these three essentials. But, Sir, surely the direction, the administration, the furthering of them in detail, can only be effected by experts; surely for the education of the millions of Bengal, it will pay this great country to have the best expert available. Just as a great vessel requires not only her Captain to navigate, to command, to direct her path through the waters, but also her Chief Engineer and his staff to attend, to watch, to drive the machines which are the motive-power, so the Minister for Education requires his engineer expert, a man who has devoted his life-work to the education, the instruction of the children, the youth, the young men and women of the country. Sir, I consider this resolution to be retrogressive to hinder, to halt the cause of education of Bengal. Further, Sir, the work that the ex-Director, Mr. Hornell, achieved for Bengal is a living proof of my argument. I am sure that everyone who has aided the cause of education in this Province, will bear witness to the ability, the activity, the energy that he constantly applied to help it forward. He devoted the best years of his life to that cause, and I

believe that those who benefit will, in time to come, testify to his success.

Sir, the Minister of Education in any country requires a chief of staff to help, to give technical shape to his policy and to advise him upon a mass of detail and administration, and I am sure that the members of this Council, remembering the children, will not support this resolution.

[At this stage the Hon'ble the President left the Chamber and the Deputy President took the Chair.].

Babu MANMATHA NATH ROY: I appreciate the spirit of the resolution which has been brought forward by Babu Jatindra Nath Basu. I have no doubt that there is no necessity for two different officers and that it would be no burden on the Secretary of the Department or some other responsible officer to carry on the duties of the Director of Public Instruction as well. It appears to me that it is a desirable economy. But there is one important qualification which I wish to annex to this resolution. It seems to me that the Secretary of the Department or the officer on whom the duties of the Director of Public Instruction will devolve should be a person connected with education for at least 5 years. There are two different grounds upon which I intend to annex this qualification. First, we ought not to overlook the claims of the educationists, both officials and non-officials. The other reason is, that in the interests of education and in the interests of the department it seems to me desirable that the duties should devolve on a person who is an expert and has the necessary training to carry on the duties of that office. This, it appears to me, will also meet the objections of the last speaker. Sir, I could not send notice of an amendment in time, and it was only yesterday that I spoke to Mr. Basu about it; till then, I did not know what his resolution really meant. If this House has no objection, I shall bring forward an amendment to this effect:—

"This Council further recommends that the Secretary of the Department of Education or the officers on whom the duties of the Director of Public Instruction will devolve should be a person who has been connected with education for at least 5 years."

Dr. H. W. B. MORENO: On a point of order, Sir. Can the hon'ble member move an amendment without due notice?

Mr. DEPUTY PRESIDENT (Major Hassan Suhrawardy): Ordinarily a member is required to give notice of any motion that he desires to move.

Babu MANMATHA NATH ROY: I do not want to move my amendment: I only place it before the House.

Mr. DEPUTY PRESIDENT: You had better write it out and I shall consider the matter further.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: My friend, Mr. Jatindra Nath Basu, has urged the recommendation contained in this resolution

on the ground of economy. Every one in this Council will wholeheartedly agree with the mover of the resolution that in the interests of economy it is desirable to cut down unnecessary posts, but economy may be achieved sometimes at too high a price. I would place certain facts for the consideration of this House which will convince them that the experiment has been tried and resulted in utter failure. The proposal practically comes to this that the function of the Secretary to Government in the Education Department should be delegated to the Director of Public Instruction and that instead of having both a Director and a Secretary it should have one officer. I may mention, Sir, that in the beginning of the Reforms an experiment was tried and the Director of Public Instruction was appointed a Deputy Secretary to Government. It was an experimental measure. In this capacity the Director of Public Instruction took over practically all the work of the Secretary to Government in the Education Branch of the Local Self-Government. For 15 months he continued to work in this dual capacity. At the end of this trial Government had to confess that the experiment had been a failure and to move the Secretary of State for sanction to the appointment of a Secretary in the Education Department.

The position is this: the experiment failed mainly because it proved a physical impossibility for one officer to perform the work of both posts. The Director of Public Instruction is in administrative charge of one of the largest and most important departments of Government. He is responsible for the administration of colleges and schools and for the control of about 2,700 officers working under him. It is essential that he should keep in constant touch with educational work throughout the Province and this can only be done by frequent and extensive tours. During the experimental period in which the Director of Public Instruction was also a Deputy Secretary to Government, his time was almost entirely taken up with his duties as Deputy Secretary. Touring and the maintenance of touch with local educational questions throughout the Province became impossible. Of the remainder of his work as Director of Public Instruction much had to be left to the Assistant Director. In the circumstances the work both of the Education Department of the Secretariat and of the Director of Public Instruction suffered. On the ground of the quantity of work to be done there is ample justification for the retention of two separate officers as Education Secretary to Government and as Director of Public Instruction. But there are other grounds also which make the separation of the two officers desirable. It is an administrative fallacy to suppose that the head of a specialised department such as Education should be the sole adviser of the Minister on educational matters. Such an arrangement deprives the Minister of that independent criticism of departmental proposals to which he is entitled but which the head of the department is naturally unable to furnish in relation to schemes which he has himself originated. It also deprives him of an examination of departmental schemes in relation to

the general administration of the Province. It is obviously difficult if not impossible for the head of a department to bring a detached and independent judgment to bear on the policy of schemes which he has previously framed under the influence of the departmental point of view.

After fifteen months' experience it was the unhesitating opinion of the late Minister in this Department that the experiment of employing one officer to perform the duties of Secretary and Director had proved a complete failure, and this opinion was accepted by Lord Ronaldshay. From what I have seen I have no hesitation in endorsing my predecessor's view.

Before I conclude I may mention that the question of the relationship between the Secretary and the Director of Public Instruction is still under the consideration of Government. I would therefore request my friend to see his way to withdraw his resolution.

[At this stage the Hon'ble the President returned to the Chair.]

Dr. H. W. B. MORENO: I rise to oppose this resolution. The mover has made a very uninteresting motion before the House, but he has given no adequate reasons for it. He seems to have forgotten—I noticed it in the course of his arguments—that the Hon'ble the Minister for Education besides being in charge of education has also several important departments under him. He and the Secretary together must be engaged with a number of other kindred subjects although education must loom very large in their consideration. The Director is especially the head of the education system of Bengal and brings into focus all things that concern education. Speaking on behalf of the Anglo-Indian community I am glad to say that his office is retained. European Education is under an Inspector of European Schools as there is a special system of school education for Anglo-Indians. The only co-ordinating link with their education and higher University education, which Anglo-Indians have to take up if they wish to succeed in the higher professions and other vocations of life, is the Director of Public Instruction. Sir, it is in the interest of all parties in this House to save minorities and to see that their interests are preserved. In the interest of the Anglo-Indian community I oppose this resolution.

Mr. NIRMAL CHANDRA CHUNDER: I rise to support the resolution of my friend, Mr. Jatindra Nath Basu. By reasons are these: What little I know of the functions of the office of the Director of Public Instruction or what little can anybody know is this: that his work is nothing more, nothing better than Secretariat work. When you wanted a person to inquire into the system of primary education, was it the Director of Public Instruction who was deputed to do it? No. You had a special officer appointed for it, Mr. Biss. When you have the system of secondary education examined, will you have the Director of Public Instruction deputed? No. Probably you will have a Board of Secondary Education or a committee or something of that

sort. For your University system you have the University and your Sadler Commission. The Director of Public Instruction is nothing but a mere post office between the Government and various schools and colleges. It has been said that he is not concerned with the educational policy but merely with the administration of the Education Department. So all talk about his being an expert is nothing. You do not require an expert and an expert without any occasion for giving expert advice rusts as every sharp instrument rusts. On the other hand supposing you have the post abolished if you require expert advice you can always get an expert to advise you. You have got the Minister in charge for Education. True he has got to administer some of the other departments. But the work of this department is very light—lighter than it used to be before the Reforms. So far as education is concerned you have a half-time officer, you have the educational Secretary doing some portion of the work. Then why a Director again? I therefore fail to see that there is any necessity for continuing the post of the Director of Public Instruction unless you are going to abolish the Ministry of Education altogether. You have the Ministry of Education to be paid for by the people of this country and the Director to be paid out of the revenue of this Province. It is certainly not economy—whatever else it may be. With these words, I support the resolution.

Mr. H. BARTON: It will be a very unfortunate thing if the resolution was to create an impression that it is being directed against any particular community. I am quite willing to accept the reasons advanced by the mover of the resolution that he has brought it forward on the ground of economy. It seems to me that he has forgotten that there is such a thing as European and Anglo-Indian education. We have viewed the existence of the Director of Public Instruction as a safeguard against any danger that might result to the interest of European and Anglo-Indion educatian. As matters stand we have been told here that there is an executive officer on the one hand and there is the Minister on the other. The Director comes in here as a link between the two. It has been advanced that there is also a Secretary attached to the Minister, therefore the post of the Director of Public Instruction could well be abolished. We have not been told that the Secretary has to assist him in administrative policy on the question of education as Director of Public Instruction. We know if there is any department which requires administrative ability of a high order at its head it is that of Education. It is not merely a question of touring. The duties of the Director of Public Instruction are very varied and of great responsibility. Let us take the position of certain Government schools—the Victoria and the Dow Hill Schools over whose governing body the Director of Public Instruction presides. Who will take his place and guide their policy? The Minister is dependent on the advice and guidance of the Director. If he is removed, is the Secretary competent to fulfil the duties of the officer? I take it he is not. Then we have other

questions such as the selection of scholars, administering various trust funds of which he is one of the Trustees and in which he has a very important voice. Then we have the question of recommendation of various grants to schools. The Director alone is competent to deal with all these things. The Secretary may be a very competent person and may be more capable in other work but he will not be able to advise the Minister in these matters. Then we have the post which exists between the transferred and reserved side of education. I should be sorry to think that the removal of this officer would tend to render the reserved part of the educational grants which so seriously affects European and Anglo-Indian education in any way weakened, and a resolution of this sort may lead to this although it may not be the intention of the mover that it should be so. I am sure our friends in this House will refuse to give their support to a motion of this sort. Then again the Director of Public Instruction is the connecting link between the Government on the one side and the University on the other—the Universities of Calcutta and Dacca. Who is going to control these large institutions when the Director is removed? Is the Secretary capable or competent to take upon himself all these added duties? The Hon'ble the Minister has made it perfectly clear that the carrying out of dual duties of the Secretary and the Director has proved a failure. The position will be most difficult if you are going to abolish the post of the Director of Public Instruction. Then we have got to consider the question from the standard of moral value which he exercises in matters of education. That is a very important matter and I think the mover has not given his consideration to this aspect of the question. Then we have the actual administration of the Indian Educational Service which is a very large administrative charge and it must be obvious to everybody that in the interest of efficient administration the post of the Director must be retained or the whole system will be entirely disorganised. I do not think there is anything more to say. I put forward the facts before the House and it is for them to see whether or not they can reasonably accept a proposition of this kind.

Mr. PRESIDENT: I have received notice of an amendment from Babu Manmatha Nath Ray to the following effect:—

"This Council further recommends that the Secretary in the Department of Education or the officer on whom the duties of the Director of Public Instruction shall devolve should be a person who has been connected with education for at least five years."

I am afraid that apart from the fact that no notice of the amendment was given it suffers from two fatal defects. In the first place it goes beyond the scope of the resolution on the paper as it refers to a separate person, namely, the Secretary in the Department of Education, and in the next place it is in the nature of a negative to the resolution to which it is an amendment. I cannot therefore accept it.

Dr. BIDHAN CHANDRA ROY: I had no intention to take any part in the debate but several speakers have referred to the position and activity of the Director of Public Instruction and the statements which have been made seem to have been done from want of proper information. Mr. Barton said that the Director of Public Instruction controls the Calcutta University and the Dacca University. Nothing of the sort. The Calcutta University is controlled by the Senate and the Executive authority is vested in the Syndicate of which the Director of Public Instruction is an *ex-officio* member. I suppose Mr. Barton is under the impression that the Director gives effect to the resolutions of the Syndicate. No, whenever any question comes up before the Syndicate, the Director gives his own opinion and matters after discussion are brought to a head and sent up to the Government for sanction. The whole question is gone through in the Secretariat again which means only delay and probably more expense than otherwise would have been the case. I have had occasion to see Mr. Hornell in several instances on the same subject and he pointed out that on many occasions the delay that had occurred was due to the fact that any recommendation of the University was always put before the Secretariat and the Secretariat has to go through the same papers over again and send them back to the Director of Public Instruction before any matters could be settled. This is an anomaly. He said that the matter of the relationship of the Director of Public Instruction and the Secretary in the Education Department, if both posts are retained, should be so adjusted as to remove this anomaly. I understand from the speech of the Minister that the matter was lying before the Government at the present moment for decision. The removal of this anomaly will help the cause of the University a great deal. At the same time another argument that has been put forward by the members in favour of retention of the post of the Director is that the Minister is not an expert in education. I suppose they mean that he should not be an expert in education and the Secretary should not also be an expert in educational matters.

Mr. PRESIDENT: I ruled that out of order.

Dr. BIDHAN CHANDRA ROY: I must explain this point. One gentleman has said that the Minister has got to act through an expert; the Minister happens to be the captain of the ship and the Director is the engineer, therefore he must be an expert. Assuming that the Minister is not to be an expert, is he to be a Minister simply because he knows nothing of education? Is that the position? I maintain that if the Hon'ble Minister is an expert in education and it does not matter whether the Secretary be the Director of Public Instruction or an I. C. S. man so long as he knows something about education, the cause of education which several speakers have urged to-day will not suffer if we abolish one of the appointments and the delay, which now always

occurs with regard to the work of the University, will disappear. With these words I beg to support the resolution.

Mr. H. BARTON: On a point of personal explanation, Sir. What I said was that the Director was also a connecting link between the Government and the Universities of Calcutta and Dacca.

Maulvi Md. NURUL HUQ CHAUDHURY: Like my friend Dr. Roy I had no intention to speak on the subject. I think Mr. Barton before making the statement which he made should have thought over it. As a member of the Court of the Dacca University I know that the Director of Public Instruction is only an *ex-officio* member of the court and has no other connection with the Dacca University. In this connection I would also say that the late Director, Mr. Hornell, submitted a written memorandum to the Lee Commission in which he said that highly efficient and qualified officers are not necessary for the posts of Inspectors and Directors for most of the people who are doing these works cannot develop their own powers because they are doing certain routine work which can be done by many without such high qualifications. I am telling these things because these are the things which perhaps were not known to my friend Mr. Barton.

Mr. J. A. JONES: The members of the House have been at some pains to correct the errors which have been made on this side of the House. May I reciprocate by correcting some errors which have been made on the other side of the House, and, notably by Mr. Nirmal Chandra Chunder who drew a most extraordinary picture of the Director of Public Instruction? I happen to have known Mr. Hornell fairly well and I can testify from my personal knowledge that he was so often absent from Calcutta on tour that it was almost impossible to fix up any arrangement or engagement with him. The idea that he is a kind of post-office, as Mr. Nirmal Chandra Chunder called it, between the Education Department and the Government is an entirely erroneous and fictitious one.

Mr. Hornell, as I discovered, had the most extensive, close and present-day acquaintance with everything that was going on in the Province in the way of education and I cannot conceive how such an officer can be done away with without inflicting a very serious loss on the Education Department as a whole. I would also remind the hon'ble members opposite that if it comes to a question whether the Director of Public Instruction or the Secretary should be abolished I suggest that it should be the Secretary, because we know that for very many years past any progress that has been achieved in this Province in education has been due to the enthusiasm, the zeal and the perseverance of a succession of Directors of Public Instruction, who are enthusiastic in their own spheres. I think it will be deplorable if Bengal were so ungrateful as to forget what she owes to that illustrious line of men

who, I venture to say, are among the greatest benefactors of this Province.

From the practical point of view I do not quite see how the Minister is going to carry on his work without the aid of an expert adviser familiar with the Province as a whole. The Secretary is a Secretary. He probably knows a great deal about files and work of that kind but when it comes to education there is not the slightest guarantee that either the Minister or the Secretary knows anything about the subject. I am not referring to the present Minister who, I know, is a very distinguished graduate, but it is possible that when politics developed in Bengal we might have as Minister a man who is a politician first and ignorant of most things afterwards. In that case he will certainly require, as experience has shown in England, a permanent expert adviser to keep the Minister from going wrong. Supposing a Minister prepares a great scheme for the expansion of primary education. Now, who on earth is to advise him on the subject? Is he to ask the Secretary who knows as little as himself or is he to have the advice of an expert familiar with the subject in every aspect? I most earnestly suggest that whatever economy is proposed—so far as I am aware not even the Retrenchment Committee proposed the abolition of the post of Director of Public Instruction—I say that this is one of the officials whom we can least spare.

Babu JATINDRA NATH BASU: Dr. Moreno has objected to the proposal on the ground that the Minister of Education is so heavily burdened with other duties that it is not possible for him to look after the Department of Education with the care that it deserves. The only other department which the Minister of Education has to look after is the Department of Registration. I do not know if this department engrosses so much of his attention as not to leave him any time to devote to education. The Department of Registration does not require much time or attention to conduct it. The Minister is practically a whole-time man for looking after the education of the Province. The constitution as it is and the constitution as we want it to grow is that the Minister should naturally be a man who has been before the public and who has put forward schemes for the advancement of education in the Province in the manner in which the people want the education to be advanced. If that is so, the Minister of Education is expected to devote more time and attention to this department than was done in the pre-reform days. Dr. Moreno has replied to Mr. Barton, who sees in this resolution a menace to European and Anglo-Indian education. Dr. Moreno pointed out that European and Anglo-Indian education in this Province is looked after by a special officer and that it is a reserved subject. So there is no difficulty about European and Anglo-Indian education. Besides this special officer there are enough influential European and Anglo-Indian bodies in this country to look after the education of their boys and young

men. I pointed out in the speech with which I moved my resolution that as regards Indian schools the quality of the governing bodies of the schools and colleges have vastly improved. They do not seem now to require the same amount of inspection as they used to require two decades ago. With the growth of local self-government it has been seen that the duties of the administrative officers have become lightened and with the growth of these governing bodies the duties of the Department of Public Instruction have also become much lighter. In answer to certain questions in this Council it was lately pointed out that primary education is also being gradually taken over by local bodies. The Department of Public Instruction as such will not have much to do in near future. While we have been clamouring for spread of education that clamour has been met by the appointment of some highly paid officers. This is what we want to stop. The duties of the Director of Public Instruction, it has been pointed out, are varied and responsible, but we must always remember that under the Director of Public Instruction we have in each division a highly qualified officer as Divisional Inspector. These Divisional Inspectors ultimately rise to the post of Director of Public Instruction; they are quite as qualified as the Director himself and they are specially trained in the administration of the department. They are there to advise the Minister of Education in any matter in which he requires the advice of experts. The Hon'ble the Minister has pointed out that his duties are such that he requires the assistance of a Secretary in addition to the assistance of a Director. He has not probably requisitioned the services of the existing officers other than the Director of Public Instruction. The Department of Public Health or the Department of Local Self-Government has no such central administrative head as the Department of Public Instruction has. There the Secretary communicates directly with the Divisional Commissioners or the District Boards and Municipalities as regards their work. How does that arrangement succeed in those departments where there is a larger amount of work than in the Department of Education?

Then as regards touring, I have already submitted that the Divisional Inspectors have to do a good deal of touring and they have under them various subordinate officers whose only duty is to make tours. These tours may be done to an extent which is not to the real interests of the country and some of the touring if cut down will not injure the cause of education in this Province in any way.

As regards the Hon'ble the Minister's statement that the appointment has already been filled up we know that Mr. Hornell has gone away on leave preparatory to retirement and the appointment to his post is only an officiating one; it is not a permanent appointment. The recommendation that I desire the Council to make is that the permanent vacancy caused by the retirement of Mr. Hornell may not be filled up.

Dr. H. W. B. MORENO: On a point of personal explanation. It is said that I look upon the resolution as a menace to European and Anglo-Indian education nothing can be further from my thought. I only said that the Director was a connecting link between the Government and the education institutions.

Babu SURENDRA NATH RAY: May I speak on the resolution?

Mr. PRESIDENT: After the mover has replied the only person who can now speak is the Hon'ble the Minister in charge of the Department.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: I purposely made a very short speech because I hoped that my example would be followed by the other speakers and that their speeches would be short in length and few in number. I have been somewhat disappointed. I also hoped that what I said at the end of my speech would tend to curb the flow of eloquence in the Council; there also I have been disappointed. It appears that my friend, the mover, and the other members who supported him, did not take into consideration what I said at the end of my speech. The position, briefly, is as has just been pointed out by Mr. Basu. Mr. Hornell has gone temporarily on 4 or 5 months' leave; so no question of his retirement does arise or is for consideration. I said that we have made an officiating arrangement for the period of his temporary absence on leave. At the same time I added that the whole question of the relation between the Secretary in the Education Department and the Director of Public Instruction was under the consideration of the Government. I can assure my friend that all that has been said here to-day will be taken into consideration in deciding that question and, in that view of the matter, I ask my friend to consider if he could see his way not to press his resolution. As the case now stands, if we divide, the result of the division would be practically infructuous.

The motion of Babu Jatindra Nath Basu was then put and a division was taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zahoor.
Alig, Maulvi Mahboob.
Ali, Maulvi Syyed Sultan.
Bagchi, Babu Hemen Chandra.
Baksh, Maulvi Kader.
Banerjee, Dr. Premathanath.
Banerjee, Babu Satya Kishore.
Basu, Babu Jatindra Nath.
Bose, Babu Bejoy Krishna.
[illegible] Mr. Syamhash.
[illegible] Babu Jogindra Chandra.
[illegible] Babu Sudarshan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi [illegible].
Chaudhuri, Maulvi Md. Nazul Haq.
Chaudhuri, Maulvi Syed Abdur Rab
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dutta, Babu Akhil Chandra.
Dey, Babu Baroda Prasad.
Gafur, Maulvi Abdul.
Ganguli, Babu Khagendra Nath.
Goenka, Babu Badridas.
Haider, Mr. S. M.
Haq, Shah Syed Emdadul.
Haque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Maulvi Mahbubul
Jaardar, Maulvi Afiab Hossain.
Khan, Maulvi Abdur Rauhid.
Khan, Maulvi Hafiz Uddin.
Lal-Mahammad, Haji
Muhammad, Maulvi Bashar.
Maity, Babu Mahendra Nath.

Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Saila Nath.
Ray Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalniranjan.
Sarkar, Maulvi Allah Buksh.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Tarafdar, Maulvi Raju Uddin.
Yasin, Maulvi Muhammad.

NOES.

Barton, Mr. H.
Carey, Sir Willoughby.
Choinuddin, Khan Bahadur Maulvi Md.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Cottle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Daud, Mr. M.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dass, Rai Bahadur Pyari Lal.
Dunn, Dr. T. C. D.
Dutt, Mr. C. S.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Hussain, Khan Bahadur Maulvi Musharruf.
Huntingford, Mr. C. T.
Huq, the Hon'ble A. K. Fazl-ul.
Jones, Mr. J. A.
Lees, Mr. D. H.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
Masih, Mr Syed M.
McAlpin, Mr. M. C.
Mitter, Babu Provash Chunder.
Moberly, Mr. A. N.
Morone, Dr. H. W. B.
Mukerji, Mr. S. C.
Nazimuddin, Khaje.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Rose, Mr. C. P.
Roy, Raja Manilell Singh.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Willis, Mr Arthur d'Anyers.
Wilson, Mr. R. B.

The Ayes being 70 and Noes 50, the motion was carried.

[The House was then adjourned for 15 minutes.]

[After the Adjournment.]

Withdrawal of resolution.

Mr. S. Mahboob Aley being absent, the following resolution standing in his name was deemed to be withdrawn :—

"This Council recommends to the Government that a legislative enactment be introduced to omit the words 'President of the Tribunal of the Board of Trustees for the Improvement of Calcutta or an Assessor to that Tribunal from section 22 (i) (f) of the Calcutta Municipal Act, 1923."

Readjustment of the Meston award.

Babu SURENDRA NATH RAY: I move that this Council recommends to the Government that the proper authorities be approached with a view to the readjustment of the financial relations between the Central Government and this Government on a proper and equitable basis.

The Hon'ble the Finance Member, Mr. Donald, in the concluding portion of his speech in presenting the budget for 1924-25 said as follows:—

Thirdly,—and this, of course, is the most important of the three—we have still hanging over our heads a liability of Rs. 63 lakhs to the Central Government, which, unless in the meantime we can secure some revision of the inequitable Meston Settlement, against which we have always protested, will again become due next year. Members of the Council must realise that, until this liability has been removed, there can be no expansion of our expenditure in the direction we all desire. Our case for its removal is overwhelming. As I have already shown, we have retrenched our expenditure to the utmost limit; we have imposed new taxation on our people and what is the result? If the contribution of Rs. 63 lakhs to the Central Government is again forced upon us, it will swallow up the bulk of the proceeds of our strenuous efforts to reduce expenditure and increase revenue. We should again be faced with a deficit and have nothing for development. Such a contingency is wholly unacceptable to us, and we shall fight against it to the utmost.

Since the year 1920 we have been fighting against the Meston Award. In July, 1920, I moved a resolution in the old Council and my speech on the resolution was telegraphed to the Joint Parliamentary Committee which was then sitting. In 1921 I moved a resolution for financial adjustment, which was accepted by the Government. We must say that it was in a most unfortunate moment that Meston Committee come out to India and made its award. The attempts of the Government of Bengal to see justice done to it has no doubt met with some consideration. It is however temporary, so far back as July, 1920, I pointed out in the Bengal Legislative Council that the financial relations between the Indian and Provincial Governments were inequitable to Bengal and likely to jeopardise the successful working of the Reforms in the Presidency, that the recommendations of the Committee had no reference to the impending increase in administrative expenditure and other inevitable obligations but proceeded upon an exaggerated and indefinite idea about the further taxable capacity of Bengal. It was urged that as the basis of division, the whole of the total amount of all taxation, including Customs and Income-tax raised in any particular province should for the present be made provincial and that in case of doubt as to the proper apportionment of any source of taxation in future, *e.g.*, Customs, steps should be taken for ascertaining the facts so that they may be placed before the Statutory Commission. The report on Indian Constitution Reforms admits that Income-tax is but the industrial counterpart of the Land revenue derived from

examination of the whole principle of the financial adjustment between cases there would be a possibility of some claim of a share in another province. I need hardly say that that argument, even if valid, would only be an argument for division of the income between two or three provinces and not for its allotment to the Government of India. Similarly in the case of Customs there appear to be very strong grounds for making Customs duties, specially export duties provincial. The report of the Meston Committee says that Bengal has a low scale of expenditure and an inelastic revenue and it will receive only a very moderate start in its new financial career but for direct contribution towards India, it should pay more than any other province because of its size, intrinsic wealth and general possibilities. But what are the general possibilities of increase in the revenue of the Province. Customs and Income-tax the two principal and expanding sources of income have been made Imperial and there is practically nothing left for the Government of Bengal to fall back upon except fresh taxation, and Bengal finds after passing three taxation Bills and retrenchment to the extent of nearly 49 lakhs that the expenditure just equals the income, whereas Bombay has a surplus and even the poor province of Bihar and Orissa has got a fairly decent surplus in spite of many reforms introduced there. Now we can fairly say that even if for the present the entire revenue derived from Customs be not provincialised the tax on jute which can be provincialised should be made over to Bengal and the revenue derived from export duty on jute is more than 3 crores of rupees. In 1922 Lord Meston admitted in a speech made in England that he was mistaken. From a telegraphic summary of his speech reported at the time I find—"Lord Meston speaking on the endeavours of the Legislative Assembly to obtain a further remission under the Meston Settlement said it is still thought that to give Bengal the proceeds of the jute exports tax would be equitable and in consonance with Bengal's sentiment." This income from export duty on jute amounts to more than 3 crores of rupees. As regards Income-tax we can fairly urge that it may be that the Province in which the tax is paid is not necessarily the Province in which the income is earned, such as in the case of coal or tea, but we were willing to yield that in the case of remifying enterprises some portion of the revenue derived from income-tax should be credited to other provinces whence they are brought to Bengal and where their Managing Agents carry on the business. The result of the Meston Award as modified by the Joint Parliamentary Committee has been that Bengal with an income of more than 30 crores has not got even 10 crores to herself, whereas, even a minor province like Bihar has got a good surplus to carry on her improvements in the transferred departments.

We must under the circumstances not only carry on our agitation for getting the jute tax which peculiarly belongs to Bengal but for the re-examination of the whole principle of the financial adjustment between

the Central and Provincial Governments on the lines of the note addressed by the Finance Committee of this Council in 1920-21 to the Joint Select Committee of Parliament. We do not want to take any money for the benefit of the people of Bengal which is not paid for by the people of Bengal, but we want that nothing should be taken from us by specious arguments such as that this money has all along been appropriated by the Imperial Government and should not be continued as such or that the incidence cannot be properly adjusted without due inquiry and that therefore it should be Imperial or that uniformity of rate of taxation is desirable and that therefore it should be Imperial. What we want is justice, strict justice, although we know it is very difficult to get it. We are prepared to pay more than our proper share of provincial contribution to the Central Government if we are in justice liable to pay it. We find that the Right Hon'ble the Secretary of State after considering the result of the Conference held at Simla with the financial representatives of provincial governments in July, 1922, held in November last remarked that equilibrium between current revenue and expenditure was only found in two provinces, Burma and Bengal, and in the latter the result had only been attained by the temporary remission of its contribution to the Central Government. It was also stated in the despatch that equilibrium can only be achieved by reduction of expenditure and the adoption of measures which will lead to an increase of revenue. As I have already said three taxation Bills have not brought to Bengal the desired increase in revenue and that the increase has not been found sufficient to cope with the increase demand. The Government of Bengal though it has practically been loyally carrying out the instructions of the Secretary of State now finds itself just in a position to meet its ordinary demand. It is well known to the Central Government that the revenues that this Government obtained under the present settlement were not sufficient to cover the cost of the ordinary administration as it stood at the time of the introduction of the Reforms and that the relief afforded by the remission of the provincial contribution was inadequate. It is therefore necessary that we should agitate till justice is done to our Province. As I have already said we do not want any favour at the hands of the Central Government. What we want is justice, justice unalloyed and nothing else. With these remarks I place my resolution before the House for its acceptance.

Babu DEBI PROSAD KHAITAN: This matter has been brought before this House by my hon'ble friend Babu Surendra Nath Ray at a very opportune moment. It was only perhaps yesterday or the day before that the Government of India announced the terms of reference to a Committee that has recently been appointed to consider the incidence of taxation, and one of the terms of reference to that Committee was to investigate the field and the possibilities of establishing federal

finance in India as between provinces and the Central Government. It has always been said on behalf of Bengal, and with great stress and justice, that the Meston award did a great wrong to this Province by the manner in which this Province was forced to make contributions to the revenues of the Central Government. It was as the result of the Meston Award that the transferred departments could not have sufficient funds to carry on nation-building programmes in order to spread education, to develop industries and to promote sanitary measures to eradicate diseases from malaria-stricken Bengal. It is essentially necessary that the Meston Award should be set aside and a more just and equitable basis ought to be evolved as a result of which this Province, which cannot bear further taxation, would have funds with which it can carry on development programmes. Sir, it has been suggested by my friend Mr. Ray that the 63 lakhs of rupees per year which has been remitted, more as a matter of grace than in recognition of a right, by the Central Government to this Province may be taken away at the expiry of the allotted period of 3 years. When we remember the feelings of provincial jealousies that are often exhibited in the Legislative Assembly it is quite possible that when this matter again comes up for consideration by that body, the combined forces of other provinces may lead to the result that this remission of 63 lakhs may be taken away from Bengal. It is therefore necessary that we should take time by the forelock and impress not only upon the Central Government but also upon the other provinces of the great inequity and injustice that has been done to Bengal by the Meston Award. I therefore whole-heartedly support the resolution that has been so ably moved by my friend Babu Surendra Nath Ray and it does not require further elucidation.

Sir WILLOUGHBY CAREY: I have no wish to take up time in pressing for this very obvious and necessary alteration for the benefit of the finances of this Province, but I feel I cannot let this opportunity pass without voicing on behalf of the Bengal Chamber of Commerce what they already, with the combined deputation, took upon themselves to voice, and in supporting this resolution to confirm that the view then expressed remains just exactly the same so far as we are concerned. Up to now the Government of India have been generous, or perhaps shall we would call just, to this Province and lighten the load which we have to bear, and it is to be hoped that their finances will permit this to continue. I believe, from what I hear, that in spite of the efforts of other provinces, the Government of India might be glad to see this thorn in the flesh, which we have made for them of this contribution, removed, when opportunity arises. It is true that the new Bengal budget just presented shows a small surplus, but this is only really the result of drastic retrenchment and of a sound business desire to see a balance on the right side. It has meant giving up very much, and, rather than retrenching, the Province ought to be placed in a position

to carry out many necessary public works, and to expand, instead of having to cut down in every direction.

I therefore have much pleasure in supporting this resolution.

Babu BADRIDAS GOENKA: I congratulate the hon'ble mover of this resolution on his persistent efforts to have the financial injustice done to the Province properly redressed and it is perhaps needless to say that I whole-heartedly support the proposal. The time seems to have come at last when we can confidently expects substantial relief from the Central Government, as their own financial conditions appear to have materially improved, thanks to the labours of the Inchape Committee and the general improvement in the economic life of the country.

I do not propose to repeat the whole history of the case; this has been extensively discussed in the Press and by the Public and is too well known. Suffice it to say that ignorance, indifference and even misrepresentation prevailed through the negotiations.

The net result was extreme injustice to Bengal as regards her revenue. This will be apparent from the fact that, of the total amount 32 crores 84 lakhs, raised in Bengal in 1921-22 in taxes the Province obtained only 8 crores and 32 lakhs as her share according to the new adjustment; Bombay under the same circumstance retained about 13 crores 11 lakhs out of 35 crores 63 lakhs, Madras 11 crores 75 lakhs out of 19 crores 49 lakhs and the United Provinces 10 crores out of 12 crores. This is not all. In addition to these initial disadvantages, Bengal was asked to pay contributions to the Central Government on an increasing scale. The revenue granted to her was absolutely inelastic in nature. There was a permanent settlement of the land, the most importance source of provincial revenue. The income from Stamp was already high; her forests were undeveloped, and lastly irrigation, which is one of the most paying departments in other provinces, was a losing concern; on the other hand there was the growing expenditure due to the Reforms and the all-round increase in prices and wages necessitating higher salaries and establishment charges. It is no wonder, therefore, that the Reform era began with deficit budget, we have taxed ourselves to the utmost limit, the Government have made large retrenchments, and lastly, the Government of India have granted temporary relief by remitting the provincial contribution for 3 years, but still the finances are far from satisfactory.

The extreme helplessness of our position can be gauged from the fact while Bombay in 1922-23 could budget for an expenditure of Rs. 7·8 per head, Madras Rs. 4 per head, the United Provinces Rs. 3·4 per head and even the Punjab Rs. 5·9 per head, in Bengal we could spend only Rs. 2·3 per head of population after exploiting and tapping all possible sources of income. It will be further seen that while

Bombay proposed to spend in 1922-23, 173 lakhs on education, 60 lakhs for medical and public health, and 25 lakhs for agriculture for a population of less than 2 crores, in Bengal we had only 121 lakhs on education, 70 lakhs on medical and public health and 21 lakhs on agriculture for a population of over 4½ crores.

As I have said, the sources of our revenue are mostly inelastic and the few sources where further tapping was possible, we have exploited to the utmost limit, but still relief is as remote as ever. Our critics say that as we have a comparatively low revenue from land due to the permanent settlement we must compensate it by other means, but these people forget that the area of Bengal is less than that of Bombay or Madras and that we do not raise much less per unit area than those provinces. Thus while in Bombay the average revenue per square mile comes to Rs. 445, in Madras to Rs. 428 and in the Punjab to Rs. 248, in Bengal it is Rs. 387; on the other hand our revenue from stamps is higher than that of any other province. It is true that the receipts from excise are not so high as in other provinces, but surely we should not be penalised for our temperate habits. One of the most important sources of revenue in which we are adversely placed is irrigation; over 80 crores of Central Funds had been spent on irrigation before it was provincialised but Bengal had not benefited by it in the least.

Sir, relief must come. This state of affairs cannot last long. The success of the Reforms will depend primarily on how the transferred departments work, and money must be found to meet the fundamental needs of the people, like education, sanitation, etc. It is true that the Government of India have given the undertaking that they would work out their financial policy in the direction of reducing and ultimately abolishing the existing provincial contributions, but that is not enough for us. We are trying our best to meet the wishes of the Hon'ble Sir Basil Blackett when he said last year—"I should like to say for my part that the strongest appeal that the Provincial Governments can make to me in this matter of provincial contributions is to show themselves worthy of assistance from the Central Government by strenuous and successful endeavours to make both ends meet for themselves," but our nation-building departments remain absolutely uncared for. We want more revenue and the Central Government must see its way to help us in this direction. That our claim for readjustment of the financial relation is a just and pressing one has been admitted even by the Joint Select Committee.

I confidently hope that the Central authorities will no longer turn a deaf ear to us, now that their own finances have improved. To ignore our just claim even now, will be to attempt to perpetuate the injustice for which they were mainly responsible; but then we are, as our Finance Member said when introducing the budget last year, not prepared to accept as a settled fact the decision that the Meston settlement should not be reversed.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): I do not propose to detain the House very long on this resolution. My reply will be short. It is not because I minimise the importance of the subject or underrate the opinion of this House. The attitude of Government towards this question is well known. We have been fighting the Meston settlement ever since it came into being, and we are going to fight it until justice is done to Bengal. Mr. Ray has quoted from my speech yesterday to show the position in which we are now. We have taxed ourselves and retrenched, and it is only by the temporary relief of the provincial contributions that we are able to keep our heads above water. If we had not had that Rs. 63 lakhs we would have been in a deficit. Unless the provincial contribution of Rs. 63 lakhs continues to be remitted we shall not be able to move forward: we cannot go on with our schemes of development and progress; and the taxation which we imposed a few years ago will be swallowed up in paying our contribution. It was never intended that our taxation should be permanently allotted for making up the deficit between Revenue and Expenditure. We all hoped and intended that this taxation should be devoted to development and progress and getting on in the direction we all desire. The history of this case is probably not very well known to all the members of this House. I outlined it slightly yesterday in my budget speech, but I have under preparation at the present moment a note on the subject, and as soon as it is printed, I shall be able to put all members in possession of the history of the case. As is already known, we were not content with the conclusions set out in the despatches published last year on this question and as I stated in my budget speech last year we will not abate our claim for relief, and will continue to press our claim in season and out of season in arriving at a proper settlement. The fact that the remission of the provincial contribution may cease next year and the present resolution afford another opportunity of returning to the attack, and I have therefore much pleasure in accepting the resolution.

The motion was then put and agreed to.

MR. PRESIDENT: Babu Akhil Chandra Datta has given notice of an amendment to resolution of Dr. Pramathanath Banerjea. He proposes to leave out all the words after "subjects" in the last line but one of Dr. Pramathanath Banarjea's resolution, namely, "except Land Revenue Administration, European and Anglo-Indian Education and Local Fund Audit." Does any member object to that amendment being moved.

No one having objected, the Hon'ble the President informed the member that it would be in order for him to move the amendment after the original motion had been moved.

Amendment of Rule 6 and Schedule II of Devolution Rules.

Dr. PRAMATHANATH BANERJEA: I beg to move that this Council recommends to the Government that early steps be taken to move the proper authorities to amend Rule 6 and Schedule II of the Devolution Rules so as to include, in the list of provincial subjects for transfer in Bengal, all subjects except Land Revenue Administration, European and Anglo-Indian Education and Local Fund Audit.

The essential feature of the administrative system which has been established in the provinces by the Act of 1919 is that the government is divided into two halves, and these halves are responsible to two entirely different set of authorities—one half being responsible through the Governor-General in Council and the Secretary of State for India in Council to the British Parliament and ultimately to the British people and the other half through the local Legislature to the local electorate. It is this hybrid character of the constitution that is answerable for its innumerable defects and anomalies. Administration has been compared to a seamless garment the beauty of which is spoilt when it is rent in twain and then roughly patched up again. I will not, however, consider the question from the standpoint of beauty but will confine myself to considerations of a more material character. One of the most serious defects of dyarchy is that there is no unity of purpose in the executive. And this defect leads on to another, namely, want of harmony; for how can there be goodwill between two halves of a Government where there is not only a conflict of aims and ideals but a clash of interest. Sir, dyarchy or dualism of this particular brand is an artificial system—a system which is to be found nowhere else in the world, a system which is unknown to history. And it is this artificial character of the system which creates a situation that is at once delicate, complex and difficult. The Ministers in a dyarchy are at the very outset of their career placed on the horns of a dilemma. Are they to discharge their duties according to the dictates of their conscience and in the interests of their country? Or are they to follow the lines of least resistance in view of the complexities and difficulties of the situation? If they choose the former alternative, there ensues a perpetual struggle with the other half of the Government, and as you all know a house divided against itself conduces neither to the happiness of the inmates nor to the place of the neighbourhood. If, on the other hand, they prefer the latter alternative, they fail miserably in their stewardship, and are liable to be dismissed by their real masters at the earliest opportunity. For an illustration you have only to look to the sorry plight of Ministers at the last general election in most of the provinces.

The government of a province is one and indivisible, its different parts are closely inter-related. But under the present system we have

a division into watertight compartments, and the division is so illogical that one finds it difficult to understand the real motive underlying it. Let us take a few illustrations. Industrial development is a transferred subject, but factories are reserved and so is electricity. Now, you can well imagine how far the industrial advancement of the province will proceed without factories and without the aid of electricity as motive power. Sanitation is a transferred subject, but sanitary regulations have to be enforced with the help of the Police which is a reserved subject. The anomalies of the system are numerous, but I will not detain the Council by giving further illustrations. I will only point out that these and various other anomalies not only give rise to difficulties in the practical working of the present system but lead to inefficiency. In order to minimise the evil, the Parliamentary Joint Committee recommended joint deliberation between the two halves of the Government. This, however, is no real remedy. For you avoid one pit only to tumble into another. The policy which emerges from joint deliberation is necessarily a policy of compromises and makeshifts—of vacillation and weakness. Neither the Ministers nor the Members of the Executive Council find it possible to adopt a bold and straightforward line of action for fear of offending their colleagues on the other side. In Bengal, it is said, an attempt has been made to work dyarchy as a unitary government. But with what measure of success, may we know? The fault lies in the system itself, and the only way to remove it is to change the system.

Another defect of the present constitution is that it hinders the growth of a sense of responsibility. The powers of the Legislative Council have been circumscribed in various ways with the object of safeguarding the interests of the reserved subjects. There is even less scope for a sense of responsibility being developed in the Ministers, for their hands are fettered in various ways. The Department of Finance is entrusted to a Member of the Executive Council, and the Ministers in Bengal as in the other provinces are expected to "make bricks without straw," nor have they any control over the higher services. The position of Ministers under the present system is, indeed, an unenviable one. They are neither of the people nor of the Government. Their anomalous position compels them to face both ways, with the result that they are distrusted by the Government and looked upon with suspicion by the people. They pose as popular leaders, but the public regards them simply as a limb of the bureaucracy.

These are some of the serious defects of dyarchy. But the worst defect is that it tends to demoralise the public life of the country. It may happen that Ministers who do not enjoy the confidence of the Council may seek to maintain themselves in office—if not in power—by the improper exercise of patronage——

Mr. EDWARD VILLIERS: May I rise to a point of order? Is it proper to make such imputations on the Ministers?

Mr. PRESIDENT: I do not understand what Dr. Banerjea is driving at, but I do not like the word "improper": it imputes motive.

Dr. PRAMATHANATH BANERJEA: I will substitute the word "undue." They may seek to maintain themselves in office—if not in power—by the undue exercise of patronage, by pandering to the prejudices of reactionary elements in the Council and by keeping officialdom in perpetual good humour. Sir, responsible government, under such circumstances, becomes merely another name for "government by intrigue."

It will perhaps be said that my objections are more theoretical and imaginary than practical and real. But I will refer all such doubters to Mr. Madhu Sudhan Das of Bihar, Mr. Chintamani of the United Provinces, and Dr. Paranjpye of Bombay. All these gentlemen—very respectable gentlemen—accepted ministerial portfolios with the object of giving dyarchy a fair trial, and they have condemned it in unmistakable terms. It is a pity that the late Chief Minister of Bengal is not here to-day to be able to relate his experiences to the Council. The present Ministers have been installed only recently, and have not had time to acquire much experience. But I can safely predict that their experience will not be of a character very different from that of the Ministers in the other provinces.

Sir, when the Reforms Scheme was on the legislative anvil, it was condemned by the Indian National Congress. But the moderate politicians of India, though not blind to its defects, pledged themselves to support it, and in order that they might be able to do so, they broke away from the Congress, an institution which they had helped to build up and to which they had rendered devoted service for many years. Now what is the opinion of those gentlemen after three years' experiment? Mr. Srinivasa Sastri, whose worst enemy cannot suspect him of harbouring any ill-will towards the British race, says: "A half-and-half system is naturally productive of friction and wears out the nerves of those who have to work it," and further, "it has served its purpose as a test and as a preparation. It is now a clog and an irritation." Sir Tej Bahadur Sapru, another moderate politician, who served the Government of India with such conspicuous ability and devotion, also urges the immediate removal of dyarchy. I could quote to you the opinions of many other eminent men of mild temperament and cautious views, but it is unnecessary, for nobody in this Council will dispute the fact that the cry, namely, that "dyarchy is unworkable" comes not from one particular quarter but from all quarters.

Dyarchy, therefore, must go. But the question arises—What will be the substitute? Some people seem to suggest that things ought to revert to the pre-reform days. Personally speaking, if I were given the choice of evils, I would prefer an honest autocracy or a pure bureaucracy to a veiled system which is not responsible government in any

real sense of the term. But India has already started on the road to Swarajya or self-rule, and there can be no turning back. Flatterers may assure people in authority that their power is limitless, but it is no more possible for the British Government of the present day to stem the tide of Indian nationalism than it was for an English King of old to stem the inflowing tide of the sea.

No, we must go forward. In other words, dyarchy must give place to a more advanced system of administration. But how is this change to be brought about? The obvious answer is by a revision of the Act of 1919. True, but it must be remembered that parliamentary procedure is dilatory, and the introduction of an amending Bill will perhaps have to be preceded by a Convention or a Commission. Now one of the chief merits of the Reforms Act is that much has been left to be dealt with by Rules. Mr. Montagu himself said during the progress of the Reforms Bill through Parliament:—"It (i.e., the constitution) must be in such a form that it shall not be static, but fluid, that alterations may be made in it from time to time, and that you should not form a rigid constitution by statute which could not be altered except by trespassing upon the overburdened and over-mortgaged time of this House." This elasticity has also been recommended as a desirable feature of the Act by eminent persons like Sir Courtenay Ilbert and Lord Meston.

I wish to take advantage of this fact. Section 1 of the Act of 1919 (Section 54A of the Consolidation Act) provides for the making of rules for the transfer of provincial subjects to the administration of the Governor acting with Ministers. The Rules made under this section are called the Devolution Rules, and they may be altered by the Governor-General in Council with the sanction of the Secretary of State in Council, provided that they are laid before both Houses of Parliament for a period of thirty days.

What I now urge is an amendment or rather an amplification of Schedule II of the Devolution Rules. This Schedule at present contains a list of 20 subjects for transfer out of a total of 52 provincial subjects. I propose that the list be so expanded as to include 49 subjects, that is to say, all provincial subjects except three.

Of the subjects which are proposed by me to be transferred to the control of Ministers the most important are: Police, Administration of Justice. Prisons and Prisoners, Control of Newspapers and Books, Irrigation and Inland Waterways, Development of Mineral Resources, Industrial Matters, such as Electricity, Factories and Labour Disputes, Famine Relief, Religious and Charitable Endowments and Sources of Provincial Revenue. The mere mention of the subjects is, I believe, sufficient to convince you of their intimate connection with the well-being of the people. I will, therefore, say only a very few words about some of these. Let us take the police first. The proper function of this Department is to ensure the safety of the community. Now, who

are the people most vitally interested in the efficient working of this Department? The children of the soil or the bureaucracy? of course, every sane man will answer, the former. Is it not right and proper, therefore, to urge that the representatives of the people should manage the Police Department? A leading member of the European community remarked the other day that there was more crime in Bengal than on the frontier. If that statement be correct, what does it prove? Does it not prove that those who have so far been entrusted with the work of supervising and controlling the police have failed in the discharge of their duties? Then, also, you must consider the fact that the Indian public generally regards the police as an instrument placed in the hands of the bureaucracy for oppressing the people. This view may or may not be correct, but the feeling is there, and nobody can deny that it is there. And time again has this feeling been reflected in the debates of this Council. It will be only when you make over charge of this department to Ministers responsible to the Legislature that the mistrust of the police will cease and the antagonism between politician and police— who, we are reminded by a scholar-administrator, are at bottom one—will disappear. As for the second subject, the combination of judicial and executive functions has often led to failure of justice. But the insistent public demand for their separation has not yet been given effect to by the bureaucracy and will not be given effect to so long as it is allowed to control Administration of Justice. Innumerable complaints have been heard about the management of prisons and the treatment of prisoners. The way in which printing-presses and publications have been controlled is too well known to you to demand an exposition at my hands. Some of the other subjects vitally affect the industrial development of the Province. Lastly, the entire revenue must be placed at the disposal of Ministers, so that by a proper system of allocation among the different heads of expenditure the best results may be obtained from provincial resources. A consequential amendment of Devolution Rule 36 will place the Finance Department in the hands of a Minister instead of a Member of the Executive Council.

Sir, the subjects which according to my proposal will continue to be reserved are such as do not involve any questions of policy and are of a more or less non-controversial character. They may easily be administered by the Governor himself with the help of subordinate officials. The Executive Council may thus be entirely dispensed with, and this can be done under section 46(3), which provides that the Secretary of State may by order revoke or suspend the Executive Council for such periods as he may think fit.

I also urge that the proviso to Devolution Rule 6 be omitted, for the power of the Governor-General in Council to revoke or suspend, with the sanction of the Secretary of State in Council, the transfer of any subject will become unnecessary when responsible Government is frankly accepted as the goal to be reached in the near future.

Now what will be the consequences that will follow the alteration of the Schedule and the Rule as suggested by me. The Government will no longer be divided into two halves. The Ministers will feel the responsibilities of their position and they will be less hampered in their work. The powers of the Legislative Council will expand, for there will be little scope for the exercise by the Governor of his power with regard either to the restoration of the budget under section 72D or affirmative legislation under section 72E. Besides, the Governor, having no other advisers other than the Ministers, will assume the position of a constitutional ruler. This will mean the virtual disappearance of dyarchy, and in its place will be installed nearly full responsible Government, in substance though not in form.

I desire to make it perfectly clear that my proposal will not stand in the way of a comprehensive measure dealing with the various aspects of the Indian constitution being introduced in the British Parliament. In fact, it is as a temporary expedient, as a transitional arrangement, as a preliminary step towards further constitutional advance, that I urged my resolution before this Council. Dyarchy has proved a failure, and the sooner it is abolished the better, for the longer it remains the greater will be the irritation and the more prolonged the bitterness of feeling. If the present system cannot immediately be ended, let it at least be so mended that its worst features may be got rid of.

Sir, it is a constructive proposal that I place before this House to-night. No catastrophic changes are involved in it, and the procedure is a comparatively simple one. I hope and trust that the Government of Bengal will earnestly press this resolution before the higher authorities, for by doing so they will not only help in relieving the present tension of the public mind but create an atmosphere of goodwill and unfold a fresh page in the constitutional history of India.

Adjournment.

The Council then adjourned till 3 P.M. on Wednesday, the 20th February, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 20th February, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble Maulvi A. K. Fazl-ul Huq and the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi), and 127 nominated and elected members.

Affirmation.

Maulvi Md. Abdul Jubbar Pahlowan made an affirmation of his allegiance to the Crown.

Motion for the adjournment of the Council.

Kumar SHIB SHEKHARESWAR RAY: Under clause 81 of the Bengal Legislative Council I beg leave to move a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the recent action of the Ministers as evinced by their disagreement with 76 members of the Council in the matter of the resolution passed by the Council on the 25th January, 1924, regarding the release of political prisoners detained under Regulation III of 1818.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Kumar Shib Shekhareswar Ray has asked for leave to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, viz., the recent action of the Ministers as evinced by their disagreement with 76 members of the Council in the matter of the resolution passed by the Council on the 25th January, 1924, regarding the release of political prisoners detained under Regulation III of 1818. I have given my consent to the moving of the motion and His Excellency the Governor has allowed the discussion. Does any member object?

Maulvi EKRAMUL HUQ: I object to leave being given.

Mr. PRESIDENT: Will those members who support the motion for leave being given kindly rise in their places.

[The Secretary then took a count of the members who had risen which was more than the required number.]

Mr. PRESIDENT: The requisite number of members having risen in their places, I fix 5 o'clock for the discussion of the motion.

Resolutions

(on matters of general public interest).

Amendment of the Devolution rules.

Mr. PRESIDENT: The discussion of Dr. Pramathanath Banerjea's motion will now be resumed. Babu Akhil Chandra Dutta has an amendment to move.

Babu AKHIL CHANDRA DATTA: Sir, I am thankful to you for allowing this amendment without the requisite notice, but on second consideration I have decided not to move it.

Mr. PRESIDENT: Then you need not move your amendment, but you can speak on the motion.

Babu AKHIL CHANDRA DATTA: I support this resolution, but while doing so I must say I do not do so with much pleasure, because I find that the resolution falls far short of the demand of the nation so clearly expressed everywhere. Only the other day they passed in the Imperial Legislative Assembly a resolution demanding a change of the constitution. The whole country wants Swaraj, they want freedom, they want absolute autonomy, they want complete unqualified responsible Government. In other words, they want a Round Table Conference for a change of the constitution, a change of the Act itself—I mean the Government of India Act; whereas this resolution now under consideration proposes only to proceed very slowly within the Government of India Act itself. Now that is a resolution—I refer to Pandit Motilal Nehru's motion in the Assembly—which has been carried, as you have seen, by all classes of people, by the leaders of all political schools in the country—co-operators, non-co-operators, extremists and moderates—people of all shades of opinion. So, that conclusively shows in a very remarkable manner the verdict of the people of the whole country, viz., that they want a change of the constitution. At the very outset, therefore, I am anxious to point out the remarkable distinction between the demand that has been formulated there and the demand that is made here in the motion of Dr. Banerjea. In one case we want a change of the Act itself, in the other we only want to change a rule enacted under the Act and that makes a world of difference. It is for that reason that I could not support this motion with very great pleasure. Now, I wanted to move an amendment for this reason because otherwise we might be misconstrued by the people and by others. It might be said that what we want is not full provincial autonomy, our demand falls far short of that. In order to prevent a misconstruction like that, my idea was to move an amendment. Speaking honestly, I do not mind whether the transferred departments should consist of 49 departments or 52 departments. I do not know why and on

what principle Dr. Banerjea selected 49 subjects. I do not know if there is any charm for him in the number 49. But, after all, it makes very little difference whether the number is 52 or 49. Besides there was another reason—I owe it to myself and to my friends to explain why I did not move that amendment. That reason is this: it is a question not altogether free from doubt whether under the existing Act all the subjects can be transferred or not. I have read the Act carefully and speaking for myself I am decidedly of opinion that under the provisions of the existing Act all the subjects can be transferred; but as the question is not absolutely free from doubt I should not like to move the amendment in that form. Now, I think my hon'ble colleague, Dr. Banerjea, in putting forward this demand presumably proceeded upon the declaration made in the preamble to the Act, where it is laid down that whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility, or in other words co-operation and confidence seem to be the keynote of the preamble. Now, I do not know whether Dr. Banerjea is a co-operator or a non-co-operator. So far however, as this resolution goes, certainly it is based upon a principle of co-operation. If the resolution means anything, it means that we are here and we want to work out the Reforms. Under the provisions of the Act, some subjects are transferred and we want to add some more subjects by a change or amendment of the rules. Therefore, co-operation is the basis of the resolution—construction and not destruction. Now, the position is this: Will our rulers concede a modest demand made in this resolution? I might say that in our effort for a constructive and constitutional advance like this if we fail to evoke a response from our rulers—if, as a result of that failure, members of this House or some of them lose their faith in the constructive programme and if eventually in despair and disgust they are driven from that policy of construction to the policy of obstruction and destruction, I say all the responsibility will be on the rulers. If I were to speak out with absolute frankness, I should say this—there is no use mincing matters—there are some members in this House, I am quite sure, and I do not make any reflection, who are sitting on the fence. If we find a desire, a sincere desire on the part of Government to show their genuine sympathy for the growing national aspiration, a sincere desire, an honest desire to accede to that demand, they would certainly be on the side of Government. But, if on the other hand, they do not get any response, if they find the Government still as obdurate as ever, if they find that there is no change in the angle of vision, if they do not find that there is any change of heart, then, I am afraid, they will swell the ranks of the obstructionists. Advance is also made dependent upon another thing, viz., confidence—by the extent to which it is found that confidence can be reposed in their sense of responsibility, confidence in those on whom new opportunities

of service will be conferred. Now, looking at it from the standpoint of Government, what is the position? Opportunities of service have been conferred upon our Ministers. The system has been tried for one term and with what result? So far as the Government are concerned—I am speaking for the moment from the Government standpoint alone—it cannot be denied that the system has worked very well and the Government think that the experiment has proved successful. His Excellency in his opening speech in this Council placed the highest eulogy not only on the Ministers, but also upon the members of the Council. So, from the Government standpoint I say that the confidence has been perfectly justified. Of course the popular standpoint is quite different. Speaking from the popular standpoint, I might say, without any disrespect to any particular gentlemen, that the appointment of the Ministers has been made with the full knowledge that those gentlemen do not enjoy the confidence of the—

Mr. EDWARD VILLIERS: Sir, I rise to a point of order. Are we now discussing the question of the adjournment of the House?

Mr. PRESIDENT: Mr. Villiers is quite right, but I understand Akhil Babu to be referring to this matter by way of illustration. I hope however, Akhil Babu, that you will not pursue that line of argument.

Babu AKHIL CHANDRA DATTA: So far as the Government are concerned, if the confidence has been fully justified from the Government standpoint—in fact there has been confidence with a vengeance—it is only proper that some more departments should be given to the administration of the Ministers than before. The position is very clear from the Government standpoint. Have you got or have you not got confidence in the Ministers? If you have, then accept this resolution of Dr. Banerjea and give more powers to the Ministers and more departments to administer. If on the other hand the Government have no confidence in the Ministers then the only honest and proper course for the Government is to support the other resolution—the next resolution that is coming up, viz., the vote of no confidence in the Ministers. You must accept this resolution or accept the other resolution—you cannot eat the cake and have it at the same time. So far as this resolution is concerned, I say Government ought to accept it on the principle laid down in the preamble to the Government of India Act. Of course we all know that in accepting this resolution the bureaucracy has got to part with a lot of powers and it is only natural and human that they should find it very painful to part with powers.

[At this stage the member reached the time-limit.]

Mr. PRESIDENT: Your time is up, but you may finish your sentence.

Babu AKHIL CHANDRA DATTA: It is also natural for us Indians to claim more powers. How long are we to be put off? We must get

these powers—it is only a question of days and it is only proper that they ought to surrender in good grace instead of creating bitterness.

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: I rise to support the resolution so ably moved by Dr. Pramathanath Banerjea.

The resolution, as it stands, is a very modest demand which I hope the Government will not refuse.

It asks for the transfer of more subjects to the charge of Hon'ble Ministers than they at present stand : the easiest and shortest method had been suggested by this resolution.

The idea is not novel and revolutionary—it finds place in the very report on which the Government of India Act is based. I quote from Montford Report—

Our idea is that as the popular element of the Government acquires experience and learns to discharge its duties efficiently further power should be entrusted to it. The process in fact will be one of adding to the transferred subjects and of taking from the reserved ones, until such time as with the entire disappearance of the reserved subjects, the need for our official element in the Government vanishes and thus the goal of complete responsibility is attained in the provinces.

Now the question is—Has not the popular element in the Government acquired experience in last three years? Have not the Hon'ble Ministers discharged their duties efficiently? His Excellency the other day in this Council Hall has distinctly testified to the efficiency of late Ministers. Is any better testimony or authority necessary to support our case?

What does this transfer mean? "Transfer of some subjects from the Executive Council to the Executive Government because on these subjects the Hon'ble Ministers together with the Governor will form the administration." The power of control has been sufficiently reserved to His Excellency the Governor; then again the Ministers are nominated and not elected. If half the works of the Executive Council can be efficiently carried on by Bengali members are they unfit for the other half?

Had not Bengal at its back its old civilization, its ancient democratic institutions and organisation in every village and in group of villages (*vide* Manusanhita, Books 7 and 8). Do not the position of the *Karta* (Manager) in the joint family and patriarchial system clearly indicate the representative system? Was not King Gopal the founder of Pal dynasty in Bengal elected by the people? Did not the people of Bengal withhold payment of taxes during the absence of King Gopi Chandra or refuse to accept his nominee? Is modern Bengal lacking in intelligence, in organisation, in administrative capacity? Has not Bengal produced great scientists and chemists, judges and jurists, administrators, organisers and financiers? Have we not learnt in this century and a half under British Rule the constitutional history of the world? Have we not studied and watched with keen interest the development of self-governing and

democratic institutions in the different parts of the world? Have not the Bengalis efficiently administered several Native States of India? Did not the Government consider at least one Bengali fit to govern a province? My answer is that they can.

One great advantage of transferring the subjects will be that they will be administered by persons who will be responsible to the people as well as to His Excellency the Governor. What is the good of keeping a dual Government with a heavy expenditure raised from the impoverished peasants of Bengal and starving the nation-building departments? Give us autonomy and try the experiment whether we can—the ultimate authority is still the British Parliament. We are faced almost every year with a deficit budget and we have to make up the deficit by fresh taxation from already overburdened taxpayers. If we realise the necessity of placing the two halves of the Government upon a common footing even for the sake of economy, this can only be best accomplished by assimiliating the status and position of the Ministers to those of Executive Councillors and by making them responsible to the legislation.

His Excellency the Governor of Bengal nominates his Ministers from the representatives of the people. I believe the electors of Bengal will be able to send as their representatives capable men who can administer the subjects entrusted to their care subject to the double constitutional controls. What we want is—give us a chance of managing our own affairs—if we fail, the blame will be ours and not yours. There is a persistent demand in the country for it—satisfy the demand; there is a keenly felt grievance in the country, remove the grievance. If we mismanage and misrule our police administration our properties will be looted, our lives will be lost and we will be real sufferers. You have taught us the principles of administration both theoretically and practically for over a hundred and fifty years. We have been associated with the administration and responsibility for a pretty long time, still if we have not learnt the art of administration the fault is not ours, we are not intellectually backward, if you have not taught us the secrets and have not taken us into confidence, confide in us and you will find that we have justified our claim.

The Feetham Committee admitted that the separation of irrigation from Land Revenue is possible and further admitted its inseparable connection with sanitation but still it refused to recommend the transfer of the Irrigation Department without any cogent reason. Are not big sanitary schemes for eradicating malaria the pest of Bengal connected with schemes of irrigation?

Certain departments have been reserved on the plea that they are primarily connected with law and order.

I cannot suppose for a moment that popular Ministers who are deeply interested in the well-being of the people will be unconscious of their

primary responsibility and destroy law and order and the Legislative Council will forget their own good and will connive at it.

It has been said in some quarters that this resolution, if put into action, will affect the interest of the minorities. Well, what does this minority mean? If it means political minority—such minority is always governed by the majority, in all democratic countries. If it means class minority, does not such majority exist in the dominions and are we to assert that in democratic countries the majority tyrannise over the minority? Then again His Excellency will appoint the Ministers not necessarily from the majorities but those who have got confidence of the House and necessarily of the people. Such Ministers must be above those petty considerations. It has further been said that the question of communal difference stands in the way. Well, did not the Southborough Committee fully consider the question of communal representation and is not the present Council based on such representation? The Ministers, as a matter of fact, are appointed from different communities and no fear on that score can legitimately be entertained.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: When the whole country is demanding provincial autonomy and when the people are expecting the fulfilment of their desire in its entirety, I am surprised to see a demand made by Dr. Pramathanath Banerjea, the mover of this resolution, for transferring all subjects except Land Revenue Administration, European and Anglo-Indian Education and Local Fund Audit. Sir, the people of Bengal charge me with having ultra-communal feelings. I admit I have some such feelings though not "ultra." This motion has succeeded in rousing that feeling in me because I fear it saves our distinguished nobleman the Maharajadhiraja Bahadur of Burdwan and gives him a very good certificate for the administration of his departments, but it condemns my poor European and Muhammadan friends in this that they cannot be trusted with the administration of the department that they are in charge of, but the Maharajadhiraja is getting a good certificate from the Doctor for his able management though I personally cannot see this point eye to eye with him. If any department has done harm to the people, it is his. I am personally a sufferer at his hands and the major portion of my district, which is not blessed with the Permanent Settlement, has lost all rights during the last few years which they enjoyed since British occupation. I know the President will rule me out if I continue to speak in this way further. So I must pass on. I have rather seen that my friend Sir Abd-ur-Rahim, because he is a Muhammadan, has shown extra-solicitude for the welfare of the Hindu community as evidenced by the table which he has supplied me with in reply to my question regarding the appointments he has made.

Mr. PRESIDENT: What has this resolution got to do with that? I cannot help feeling that you are reading out the speech which you intended for the later resolution which stands in your name. You seem to be

straying from the point. The present resolution is not concerned with anything which the Hon'ble Member may or may not have done.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: I wish to make a personal explanation. If the hon'ble mover asked for the removal of all the departments I would have nothing to say, but now as the Hon'ble the Maharajadhiraja Bahadur of Burdwan has been praised and others have been attacked I must say that the other members are not to blame so much.

Mr. PRESIDENT: I may be very obtuse but I do not see the relevancy of your personal explanation.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: If Dr. Banerjea moves a resolution for provincial autonomy we will support him otherwise as at present, because he has made a distinction between two classes of people, I oppose him on those grounds.

Khan Bahadur Maulvi Md. CHOINUDDIN: I must say at the outset that I cannot very well praise the wisdom of my hon'ble friend, Dr. Banerjea, who moved this resolution. I do not understand what led him to move this resolution which introduces a matter which is not primarily the concern of the Bengal Government. He wants to mend dyarchy if it cannot be ended. Now those who have taken care to go through this Legislative Council Manual and the Government of India Act must have noticed that neither the ending nor the mending of dyarchy can be brought about without changing the Government of India Act or the rules made under the Act. The changing of the rule as well as of the law itself can, however, only be done by the Secretary of State and the British Parliament. The Local Government is in the position merely of an administrator of the Government of India Act. Neither the Local Government nor the Government of India have got any power to make any change either in the rules or in the law itself. As it is I am quite at a loss to understand why the hon'ble member should waste the valuable time of the House by bringing forward a resolution like this. The better place for ventilating a grievance of this sort would be outside the Council Chamber. If they choose, they can hold any number of meetings throughout the length and breadth of the country and copies of their proceedings may be forwarded to England to be laid before the British Parliament for consideration. To move a resolution in this Council for amending the Government of India Act is like crying in the wilderness or knocking our head against the stone walls of the Government of Bengal. The best thing would be for us to go on agitating in the papers so that England may come to know our grievances and be able to help our cause before the British Parliament.

My point is that the sooner we put a stop to moving resolutions of this sort in this Council it will be better for us.

Another point. A resolution of this sort or rather a broader question than this has already been taken up and carried in the Legislative Assembly. I think we ought to have been satisfied with the result of that instead of moving such a resolution again in this Council. It would have been better if my hon'ble friend, Dr. Banerjea, could have thought fit to withdraw his resolution. He has taken pains to read a long speech in which he has tried to show that dyarchy is unworkable. He says it has proved a failure but in the same breath he wants to perpetuate it. He does not like to do away with it altogether. He would only like to transfer more departments from the Executive side to the transferred side. He would like to take away all the other subjects from the hands of the Executive Councillors except Land Revenue administration and European education and Local Fund Audit. These three things, I think, will give sufficient employment to only one Executive Council Member but still as long as there is one Executive Member there will be dyarchy. So I could not exactly follow the line of his arguments. If he says that dyarchy is unworkable he ought to be consistent with what he says and must propose to do away with the whole thing instead of giving it more powers.

Now as regards his proposals, arguments, and remarks that dyarchy has been tried in the balance and found wanting, and that it has proved a failure, I think they are not correct. I think Dr. Banerjea has no actual experience of dyarchy. I think he has never been connected with the Government as Minister or Member or Secretary, and therefore, what he says must be based upon his reading of books or upon mere theory. He says that in one province a Minister Mr. Chintamani resigned his portfolio and from that he draws the inference that dyarchy is not a workable thing. But this sort of things will always happen even under the best of constitutions—even under the constitutions which are not liable to the objections which have been raised against this dyarchy. Even if all the Ministers are swept off—even if we have only one House in the Government or only one Executive Councillor and one Minister still there may be difference of opinion between the Minister and the Executive Councillor and between them and the Governor. Difference of opinion there will always be in this world. In this House there are people who hold one opinion and others who are of different opinion. So far as I am aware from my personal experience having been an Assistant Secretary under the Reforms for the last three years, I may say that our Ministers and Members of the Executive Council carried on their duties quite harmoniously without any friction among them. Of course, if one of the Ministers thinks in connection with a certain subject in a particular way and the Government does so in quite another way, that is no reason why the Executive or the Ministry should be obsessed with the idea that the one is right and the other is wrong. These differences of opinion do not necessarily prove the unworkability of the system. Dr. Banerjea also wants us to believe that dyarchy cannot succeed because in it the Ministers

pull one way and the Executive Councillors the other way and that the Government is divided into two watertight compartments. But I have gone through the pages of the Government of India Act and I have never come across anywhere that dyarchical Government should act in this way. I think these ideas are not correct. This Government of ours is one and indivisible. The only difference is this that the Executive Councillors are not elected Members of the Legislative Council whereas the Ministers are. As soon as some of us take up portfolios and become appointed as Ministers they become part and parcel of the Government. Now the Government is one thing and the people are quite a different thing and in all democratic Governments there are two parties—Government party and the people's party. In the Parliament there is the party in power and there is the party of opposition. So as soon as some of our elected members become Ministers and take up charge of some departments their responsibilities become very great. We may not have practical experience of the inner working of the Government. The Ministers may not see everything eye to eye with us. From practical experience of the working of the administration they may have a certain idea about a certain thing which we may not have. That is the reason why our Ministers cannot always side with the Swaraj party and because they cannot any more side with us we cannot jump to the conclusion that they are wrong and we are right. To-day one party may think that they are right whereas a day may come when they may be regarded as in the wrong. This is not unlikely in this world. The same budget is prepared for both sides of the Government. The Ministers and the Executive Councillors have got the same rights and privileges. On the top is the Governor who can exercise his authority and may make changes in the budget or not. Dyarchy after all is not really so unworkable as it is thought. So my idea is that there is not much harm in trying to start an agitation asking for entire democratic Government, but that sort of agitation must be carried on outside the Council. In this Council we should try to do our work as Councillors with the powers which we have got in our hands under the provisions of the Government of India Act.

Babu BORODA PROSAD DEY: I rise to support the resolution not that I am very much enamoured of it, because our demands, as all of us know, are much higher, but the only reason why we support this is that by that way we associate ourselves in sounding the death-knell of dyarchy. Whatever may be said by the last speaker, that dyarchy shall remain even if this resolution is accepted, everybody having the least experience of administration knows that after the acceptance of this resolution dyarchy must go. We have, Sir, a deadly quarrel with dyarchy because dyarchy succeeded in snatching away from our midst some of the most stalwart champions of our rights and it has also led them on to commit suicide in their own political lives. So dyarchy has been found by the whole country to be wanting in what it was intended to be. It was the

product of a very fertile brain but that it has failed in its object because in all the provinces the cry has been raised that dyarchy is not suited to the conditions of this country and that it must go. Following that verdict of the people we, as true representatives, are bound to associate ourselves, even if it be to a smaller degree, to see that dyarchy goes, and to that extent our support to this resolution is given. We would be satisfied if these departments are transferred for the present, and it will to a very large extent put an end to this dyarchy with which we have not been able to make ourselves friendly in the least. With these few words I support the resolution.

Babu DEBI PROSAD KHAITAN: I am glad to find that my hon'ble friend, Dr. Banerjea, has moved this resolution at a very opportune moment. It is only recently that in the Legislative Assembly the question of the grant of further powers to the people of the country has been debated upon and in that debate the Home Member, Sir Malcolm Hailey, was pleased to say that although the Government of India was not prepared to alter the Government of India Act, it was quite willing to cooperate with the people to investigate the lines and channels on which further powers may be given to the people if it is found that the present system of Government in the provinces has not suitably worked. I do not at all understand why my hon'ble friend to my left thought that this resolution was inspired by any personal feelings or racial prejudices. I think that if he only reads the resolution he will be satisfied that no such feelings could have induced Dr. Banerjea to give a certificate to the Hon'ble the Maharajadhiraja Bahadur of Burdwan while falling foul with the other Members of the Executive Council of this Government. This resolution has in fact nothing to do with the Members of the Executive Council in the performance of their functions. On the other hand the *raison d'être* of this resolution is to be found in the fact that the country demands more power, that the country wants that it should govern itself as far as possible and that further departments should be transferred to responsible Ministers under the present Government of India Act so that this resolution not only fits in with what Sir Malcolm Hailey has said in the Legislative Assembly but as far as possible goes to meet the wishes of the people. Sir Malcolm Hailey in discussing the subject in the Legislative Assembly said that it was not proper time yet to amend the Government of India Act and that the difficulties he experienced were the Hindu-Muhammadan question, the Army, the Indian Princes and the European Commerce. Fortunately none of these questions can stand in the way of transferring further departments to the control of the popular Ministers. It goes without saying that the question relating to the defence of India, the question relating to the Princes of India and the question relating to European Commerce cannot at all arise in so far as provincial Governments are concerned. As regards the Hindu-Muhammadan question it is well known that the people of this

country have been trying their best to solve this difficulty and there is no reason to fear that if further departments are transferred that question could not be solved much more easily. I do not think, Sir, that any lengthy argument is necessary to show that the manner in which dyarchy has worked in the provinces has not been quite satisfactory. The motion for adjournment which is coming before the House to-day is itself sufficient testimony to the fact that there are inherent difficulties in the way of the Ministers working under the dyarchic system of Government and it has induced every reasonable man to come to the conclusion that it is necessary that further powers should be transferred to the Ministers so that anomalous positions which are often created by reason of the present form of Government may no longer occur. I do not want to anticipate the debate that will place on the motion for adjournment, but from my experience during the last three years I have found that popular Ministers have often felt themselves forced to vote on questions in a manner in which according to their conscience they could not do. It is because of the fact that under the present system of Government the Ministers are expected to act in unison with the Members of the Executive Council in order to show that there is unanimity in the Government of the Province. It may be said that the Ministers can remain neutral, but it is not possible to be so on all occasions or on a large number of occasions. If that were so, the Ministers would not be supported by the votes of the Government block and which unfortunately they have to rely on in order to get their own measures passed. There are also difficulties regarding finances which are placed at the disposal of the Ministers so that they may carry on their respective departments which are really the most important departments so far as the welfare of the people is concerned. Under the present arrangements the reserved side first draws for its own needs on the purse of the Province and it is after that that what is left is given to the Ministers to spend for their departments. What, Sir, has been the result of this system of working? The result has been that ever since the Reforms have come into existence the Ministers have not been able to carry on any development worth the name in their respective departments and unless the system is soon remedied, the result will be that although the people want so much improvement in the departments that are in charge of popular Ministers that would never be done for want of funds. It may be said that if the people want improvements they must pay. To this my reply is that this Province is already taxed to its fullest limit and that it cannot be taxed any further. The people have no money with which to meet fresh taxation and it is therefore essentially necessary that there should be such a rearrangement in the system of the Government as a result of which the nation-building departments may be able to have money wherewith to carry on developments and reforms for the good of the people.

In these circumstances I whole-heartedly support the resolution that has been so ably moved by my friend, Dr. Banerjea. I do not want to

tread the same ground as has been done by the mover but I wish to say this that Government will surely, when its opinion is sought by the committee that is going to be appointed as a result of the promise made by Sir Malcolm Hailey, follow the views of the Council as incorporated in this resolution.

Maulvi Md. NURUL HUQ CHAUDHURY: I support the resolution that a recommendation be made to the proper authorities to amend Rule 6 and Schedule II of the Devolution Rules so as to include in the list of provincial subjects for transfer in Bengal all subjects except Land Revenue Administration, etc. The Province of Bengal formerly used to be governed by a Lieutenant-Governor. Nowadays although a portion of Bengal has been taken away we have four Members of the Executive Council and three Ministers. That means that we have got seven officers and a Governor with the paraphernalia of a Private Secretary and Military Secretary and other retinues that are necessary for a Governor to administer the Province of Bengal. At the same time we have got another Governor in Bihar and Orissa which formed a part and parcel of the Province of Bengal. There also there are two Ministers and two Members of the Executive Council and a Governor with all the other necessary paraphernalia to administer Bihar and Orissa. So it seems that for a province which has now been divided into two we have got two Governors, six Members of the Executive Council and five Ministers. If the resolution is accepted and given effect to the subjects that are excluded in the resolution can be taken over by the Governor and that the Members of the Executive Council, the departments of which they are in charge now may be easily taken over by the Ministers or there may be a diminution in the number of Members. If the number can be reduced the burden to the country would be lightened to the extent of several thousands of rupees. If one Member is cut off we shall save Rs. 64,000 a year, if two we save double that amount. Each Member has got to do a certain amount of touring, perhaps if the number of Members be reduced we will save another Rs. 20,000 in the travelling allowance. So we might be able to save Rs. 1½ lakhs in this way if not more. While I was a student I remember to have heard a speech of the present chief Minister in which he said that he could run the Police Department much cheaper and that not only more efficiently but at half the cost. This resolution also says that the Department of Police may be handed over to us. Regarding that Department Mr. Donald complained very bitterly that we had to cut down Rs. 12 lakhs, against efficiency and desirable improvements but I say that if a Minister be placed in charge of it he could perhaps save much more than Rs. 12 lakhs, say Rs. 70 lakhs or even 80 lakhs. The present budget makes a provision of something like Rs. 1 crore 81 lakhs, that is about 20 per cent. of the total income of this Province. According to the estimate of my friend who can run the department at half the cost the amount that he would require would be only Rs. 90 lakhs, and the Rs. 90

lakhs that would be thus saved could be utilised for the development of the Department of Industry and Commerce or the Department of Education or say nation-building departments.

There are other questions to be considered in this connection. We know that the Muhammadan members are very anxious to have more Muhammadan Ministers and if this resolution is given effect to then there would be a chance of the appointment of 5 or 6 Ministers and if they are appointed that community might command at least, according to their present strength of population, half of those posts and it might be even more. So I say my community would be a gainer rather than a loser. At present there are 2 Muhammadan Ministers and if the resolution is accepted their number would increase and cannot in any case be less than half the total number of Ministers.

Babu MANMATHA NATH ROY: I rise to support the resolution of Dr. Pramathanath Banerjea. Khan Bahadur Maulvi Musharruf Hossain has expressed his surprise that Dr. Banerjea has brought forward this motion in a *qualified* form while the whole country asks for *full* responsible Government. The reason is not far to seek. Some time ago I sent to the Secretary to this Legislative Council a resolution to this effect—"This Council recommends to the Government that it should immediately move by cable the Secretary of State for India in Council and the Government of India for an amendment of the Government of India Act, 1919, with a view to the immediate grant of *full* provincial responsible Government to the Presidency of Bengal," and the Secretary of the Council sent me this reply:—"I am desired to inform you that His Excellency the Governor has disallowed it under section 71 . . . ."

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Is the member in order in bringing this point before the Council?

Mr. PRESIDENT: You need not read out the letter, Manmatha Babu. You should merely refer to the fact that your resolution was disallowed.

Babu MANMATHA NATH ROY: My resolution was disallowed and I was asked to support the motion which stood on the agenda paper and which has just been moved. My resolution was disallowed, as His Excellency was of opinion that the question of *full* responsible Government was not the primary concern of the Local Government. Again, Khan Bahadur Maulvi Choinuddin has asked—"why should we discuss the matter at this meeting of the Council?" My answer is this. We carry the mandate from our constituency into this Council and we carry a further mandate that unless we are listened to, we shall have to adopt a policy of obstruction. It cannot be denied or disputed that the whole country seeks and asks, rather claims full responsible Government and that it will not be satisfied with, and it will not accept anything less than

that. Sir, even those who some years ago had entertained some amount of optimism in the working of the Reforms have been disappointed. The Reforms have failed. Full responsible Government or Government with the consent and co-operation of the people was the goal which it was the intention of the Government of India Act of 1919 to realise, we cannot go back but we have not moved a step forward, and now we are as far removed from the goal as we were in the pre-Reforms days. Dyarchy must go; the machinery is absolutely defective and absurd. It is an impossible machinery for the attainment of that goal. We had before us in this Hall some days age convincing evidence of the uselessness of that machinery for the attainment of the object. The present system cannot enable the Ministers to realise the position which they must hold under any form of representative or responsible Government. We have with us here the Hon'ble Mr. Fazl-ul Huq. I have the greatest regard for him. We all know what his views were before he become Minister. We have also seen what his attitude was a few days ago on the resolutions with regard to the release of political prisoners and the repeal of repressive laws.

Mr. PRESIDENT: We are coming to that question at 5 o'clock to-day. It is of no use to embark upon it now.

Babu MANMATHA NATH ROY: I do not blame the Hon'ble the Minister. I only blame the system; I rather sympathise with him. We are here—and there should be no misconception about it—to co-operate with the Government; to point out that the Government of India Act of 1919 has failed and that the only way to attain reform is by the grant of full responsible Government. I appeal to the Government not to deny the people the rights which they legitimately claim. I appeal to the Government not to embitter feelings further. I appeal to the Government to remove the causes of distrust and bitterness which must sap the very foundations of Government. If in spite of all that we say, the Government pays no heed to us, there is no alternative left, but to adopt the policy of obstruction.

Rai HARENDRANATH CHAUDHURI: In connection with the resolution before the House I desire to touch upon a few points only which have not been dealt with by any of the previous speakers. In the first place I would like to point out to the Council the answer which was given to one of my recent questions. I inquired—"What recommendations for immediate advances towards the transference of more subjects from the Reserved to the Transferred list and to secure real provincial autonomy within the machinery of the present Government of India Act are in the contemplation of the Government?" The answer vouchsafed is that—"This Government does not contemplate addressing the Government of India on the subject." This answer was given just after His Excellency the Governor's eulogistic references to the success and achievements of our late Ministers in their arduous task of the administration of the transferred departments.

Two things, therefore, stand out clearly. Firstly, it is evident that the Government is not going to move in this matter unless we put up a strong fight. Secondly, however so much we may succeed in the administration of the transferred departments, it will not lead to our goal; it will not lead to an enlargement of the scope of self-government and popular control. Then there is another point. In 1919 when the Government of India Act was before the House of Commons Mr. Ben Spoor moved an amendment for the immediate transfer of all the departments except three. Now, Sir, if in view of the "political awakening" I quote Mr. Spoor's words, Mr. Spoor could move for the transfer of all the subjects except three in 1919, should we, the elected members of the Bengal Legislative Council, be performing our duty to our constitutencies and the country if we fail to insist on provincial autonomy or in other words the transference of all the departments to popular control even in 1924 after the greatest political upheaval in this country? And before I take my seat I would like to ask the Government one question. In 1919 the Government of Bombay recommended that all provincial subjects should be transferred with the exception of three or four. Is the Government of Bengal of 1924 going to stultify this Province by maintaining an attitude of studied indifference, if not of hostility, to the aspirations of the people? On the answer to this question will depend the measure of support which the Government can expect from the people's representatives and also the line of conduct which we shall have to pursue in future.

Babu SURENDRA NATH RAY: I shall speak only a few words on this resolution. I think this is one of the most important resolutions that have been brought forward before the Council and I congratulate my friend, Dr. Banerjea, for having moved it at this opportune moment. Our friends in the Upper Council have moved for Dominion status and for full responsible Government. We, in this Council, have brought forward a resolution for giving a decent burial to dyarchy. What we want to do is this that the dyarchy system of Government may be carried from the Writers' Building to the Town Hall and from Town Hall to the Chandpal Ghat and thence to the mother Ganges. That is what we want to do, and that is what we will do, if possible.

Sir, my Hon'ble friend, Khan Bahadur Maulvi Choinuddin says that this is a resolution which should not have been brought forward in the local legislative Council. We may tell him that if this was not a proper resolution for this Council, the Hon'ble the President of this Council would have disallowed it, but because he thinks that the resolution can be brought forward in this Council he has allowed it. Sir, the chief reason against the transference of certain subjects to the transferred departments is because there are members of this Council or people outside the Council who think that there are not sufficient number of capable men amongst us to administer the affair of the transferred departments. In my opinion they are greatly mistaken. Government have admitted more than once that the Ministers have done their work

very satisfactorily, whatever our opinion may be. Who are the Ministers? They have not had special training before being appointed as Ministers. They are only ordinary elected members of this Council and because the Government thought that they were proper persons to be appointed Ministers they were so appointed. Similarly, I may say that the Members of the Executive Council had and have no special training before being appointed as Members of the Governor's Executive Council. They had no special training either in this Province or in the Province of Bihar and Orissa, or in the United Provinces of Agra and Oudh. I may say that the gentleman who is now holding the portfolio of the Police Department in the Governor's Executive Council of the United Provinces of Agra and Oudh was an ordinary member of Council, I mean the Raja of Mamudabad. Nobody has said a single word against him. The same is the case with one of the Members of the Executive Council of this Province. So that you cannot say that if you transfer more important subjects to the popular side capable men will be wanting to take charge of them. If there are capable men among us who can manage the work of the Government successfully I do not really understand why there should be any difference between the Members of the Executive Council and the Ministers.

Let us have all Ministers. Let my friend, Mr. Villiers come here as Minister. Sir, I am strongly of opinion that if all the reserved departments be transferred to the transferred departments or in other words made over to popular control there cannot be any reasonable objection.

For these reasons I support the resolution of Dr. Banerjea.

Mr. ASHINY COOMAR BANERJEE: I have great pleasure in supporting the resolution which has been so ably moved by my friend Dr. Banerjea. He has told us that one great objection to dyarchy was that it interfered with the unity of purpose and unity of policy, but I take my stand on a higher ground, I say that it is our inalienable right to govern ourselves in all that affects the well-being of our country. We are sometimes told by men who ought to know better than we are not fit enough to take charge of all the departments. Bnt is that so? Let us analyse the situation. Here we have the Hon'ble Maharajadhiraja of Burdwan and others in charge of portfolios which belong to the reserved side. These gentlemen who represent themselves only and who have had no training in the domain of politics, in which patriotic devotion to duty is the dominating factor, have been considered fit enough to take charge of these departments. Does this fact preclude the idea of the existence of fit men among us? To-day Mr. Fasl-ul Huq is in our midst as a Minister, to-morrow, he may be entrusted with a portfolio on the reserved side. Sir Surendra Nath Banerjea, who is no longer here, may any day be appointed as a member of the Executive Council. Mr. Surendra Nath Mallik, who is perhaps, still, a Minister, but now defeated at the election, may still be considered good enough to take

charge of a portfolio in the reserved departments. Therefore, there are men amongst us Indians competent to administer the reserved departments. Then why should you not entrust us with these departments —we who are responsible to the people of the country? There is neither logic nor sense in withholding the reserved subjects from the chosen representatives of the people who are answerable to their countrymen for all that they may do or say. We are also told that the reserved departments include subjects which affect law and order, and should not, therefore, be entrusted to the popular representatives. Who are, may I ask, most interested in the maintenance of law and order? The people of the country whom we represent or men who are more or less interlopers in our land? The same thing was said to America about a century and a half ago, and to Ireland, till recently and we all know with what result. The same thing will happen in India. I venture to prophesy, if you persist in your policy of refusing to give us what is our due. Before I sit down I should like to refer the House to a curious circumstance connected with dyarchy such as it prevails in this Province. We have been handed over principally two departments, namely, Public Health and Education. These two departments have been handed over to our Ministers with a depleted treasury and they are asked to manage them with it as best they can. These two departments were managed by you for nearly 175 years and with what result? You had the full control of the treasury; you could spend as much money as you liked which our Ministers cannot, yet the working of these two departments by you, cannot but lead one to the conclusion that you failed and failed hopelessly in their administration. The percentage of literate men in the Province is disgracefully low and the health of the country is worse than ever before. Departments in which you yourselves have proved a failure, you have chosen to hand over to the Ministers and that with a practically empty treasury. And what does this show? If anything, it shows, that under dyarchy, while Ministers can do but very little useful work, you retain in your hands all the power, all the authority which leave you exactly where you were as despotic rulers of the land before dyarchy was brought into existence.

The Hon'ble Sir HUGH STEPHENSON: This resolution takes advantage of the structure of the Government of India Act of 1919 which brought in the changes known as the Reforms by means of rules rather than the statute itself. The resolution is not quite so simple as my friend Dr. Banerjea thinks. I am not quite sure what his object was in amending rule 6. To me it seems that an amendment of Schedule II is sufficient, but such an alteration in the rules although it can be made by the Governor General in Council with the sanction of the Secretary of State, has to be laid on the table of the House for 30 days, and I think in an alteration of the rules of such importance as this, having regard to section 19A of the Act, the Secretary of State would consider

it his duty to lay the rules on the table of the House in draft form, and that means that before they can come into operation there must be a resolution of both Houses of Parliament approving of or modifying them. Now the Government of India Act lays down that after the expiration of 10 years there shall be a statutory committee appointed, and the Joint Committee of both Houses of Parliament definitely stated in their report that the committee are of opinion that the statutory committee should not be appointed until the expiration of 10 years, and that no changes of substance in the constitution, whether in the franchise or in the lists of transferred or reserved subjects or otherwise shall be made in the interval. Therefore, it will be necessary to put up some case before Parliament. Now what is that case? The resolution asks for the transfer of all subjects except three, and I listened with great curiosity to find out why these three particular items had been selected. The only reason I can make out is that Dr. Banerjea thought that these three subjects would be within the intellectual competence of a man who was not a Bengali and therefore assigned them to the Governor. It is not so simple as that, Dr. Banerjea can not get rid of the Executive Council by an alteration of the rules. The Executive Council is a part of the Act; it is true that the Secretary of State has the power to fix the number, but the Government of a Governor's province so far as the reserved subjects are concerned, shall be the Governor in Council. You cannot have the Governor in Council without a Council. Further under the Act one member of the Council must be a person who has been in the service of the Crown in India for 10 years; you cannot get rid of him.

Dr. Banerjea spent a large portion of his speech in giving a terrible picture of the evils of dyarchy. I think he will probably admit that many of these evils were pointed out by many others before it was brought in at all. But this resolution nevertheless continues dyarchy.

What is the origin of the present constitution? It is not a sort of jig-saw puzzle. It has a meaning behind it, and the meaning behind it is explained by those generally credited with having devised the system. Their argument was that the only training you can give a man for responsibility in big things is responsibility in big things; it is no use merely giving responsibility in small things. The only way to train a man is to give him responsibility, and therefore, undivided responsibility over some things was a necessary part of the system. Now, Sir, dyarchy may be a failure; if the conception of dyarchy that is held is that transferred subjects are regarded as things for the Council to play with, while the reserved subjects are regarded as things to which all members of the legislature, who wish to be called patriots, are decidedly hostile, then I admit that dyarchy is a complete failure. That conception of dyarchy is not going to lead anywhere, and certainly not to a sound system of self-government in future. We have never worked or proceeded on that conception of dyarchy; we have always

repudiated it. What we have worked on is a kind of unified Government within the limits of the present Act. Now, if we consider what must be the form of responsible government in the future, whether in the near future or the distant future, I think we must all agree that that form must be a Cabinet Government. We are working, we have been working for the last three years towards Cabinet Government, and I maintain that we have made a very considerable advance towards that Cabinet Government. We have tried to work an unified government with joint consultation on all subjects and with a common policy. We have tried to come to an agreement all questions of policy. Dr. Banerjea has airily repudiated joint consultation; he says joint consultation must imply hesitation and weakness and infirmity of purpose. How does the propose to run his Cabinet when he has got it? Is it going to lead to infirmity of purpose? Any Cabinet must have the very joint consultation to which the mover has objected. I maintain that the action of the Government of Bengal for the last 3 years has been steadily advancing the case of responsible self-government. We are working towards a Cabinet with joint responsibility, and the training that the Ministers are receiving in the matter of Cabinet Government is of infinitely greater importance than any training in the administration of a single transferred department. At the present stage responsibility must be separate, because we are here under the Act, we have got to work the Act, and we have got to work within the four corners of the Act. The Act definitely assigns responsibility. That does not mean that we cannot get agreement in the whole Cabinet. We have endeavoured to get that agreement, and I maintain that that is a far larger advance towards responsible self-government than the transfer of subjects. (A Voice: Responsible to whom.)

Then, Sir, what are the grounds on which this resolution has been put forward. It might be urged, and *prima facie* one would have expected it to be urged and in fact Babu Akhil Chandra Datta has urged, that the Ministers have done so well that it is time to give them wider scope. But Babu Akhil Chandra Datta has been frank enough to admit that that is not what he wants, and the mover of the resolution has definitely said that that is not what he wants. If that is the argument on which the resolution is based, and on which the House wish to go before the Houses of Parliament, then I think the Ministers can very justifiably expect a very great deal more support than they have received in this House. The basis of the resolution, therefore—and I think the mover will agree with me—is to obtain an alteration in the constitution by a side road to what is called responsible government. I think, Sir, this side road has certain ditches which have got to be negotiated by big jumps. But if this is the case then it is quite clear that this resolution does not affect Bengal alone; it can only be given effect to as part of a general constitutional change in the Government of India. Therefore, the proceedings of this Council will in due course have to

be forwarded to the Government of India. But, Sir, I would like to make it clear to the House, what the issue is.

[At this stage the Hon'ble the President left the Chamber and the Deputy President took the Chair].

The intention of the mover is to introduce what he calls complete responsible Government in Bengal. Sir Malcolm Hailey in a recent speech has touched upon some of the incidents of complete responsible Government or Dominion status, so far as the Government of India is concerned. I have no doubt every member of the House has read that speech. I do not propose to touch on the subject from an all-India point of view but only from a provincial point of view.

The mover's intention is that the Ministers shall have complete power, practically in all subject, but in all those subjects the Ministers are to be responsible to the legislature; and if we are to judge from recent motions and speeches, it is the intention of the movers to call the Ministers to the bar of the House on every possible occasion. That is not the conception of Parliamentary Government in other countries. Where Parliamentary Government is well established and may be said to be a success, the system is that the party in the majority slects its leader, the leader selects the Ministers, and the party in the majority supports the leader and the Ministers, and does not call them to account for everything in the House. They support the leader and the Ministers until the leader has forfeited the confidence of the party, and then they elect a new leader. That apparently is not the conception of Parliamentary Government held by the mover. He proposes that the Council shall have complete control over every action of the Ministers. Well, what does that mean? I do not propose to touch upon the difference this will make in the normal life of the Province. No doubt we all have our own views and we are entitled to stick to them, but let us realise at once that it does mean a complete dislocation of the machinery of Government. What the mover asks for is an immediate transfer. Rightly or wrongly the Services—and I would like to make it quite clear that I am not confining my outlook to the Europeans alone—the Services have not got that trust in this Council that would enable them to face that change with equanimity, and the cases which have occurred during the last 3 or 4 years when this Council has tried to form itself into a court to try, and in some cases, to condemn without a trial, executive officers, lends some colour to that feeling. It may be said that if Europeans distrust the Council, then the Council does not want them. But I want to make it clear that I am not speaking of Europeans only—I am speaking of the Bengal Civil Service and the Subordinate Services, and I maintain that they are not at present prepared to face this change. My point is that you will have complete dislocation of your machinery just at the very time when you will be most dependant on them.

The second point I wish to urge upon the consideration of the members of the Council is this. Will individual members of the Council ask themselves whether at the present moment there is freedom of speech or freedom of opinion in this Province or even nearer home? Is the black-listing of those whose opinions differ from the majority, and who feel it their duty to back their opinions by their vote—the deliberate organisation of meetings to denounce them as traitors to their country and to put pressure of every kind, if pressure is the right word, on them, a serious contribution towards the establishment of self-government? If these things are done in the green tree, what will be done in the dry? Is every member of the Council satisfied that if we have responsible self-government in the sense intended by the mover of the resolution on the 1st of April next—(A voice: 1st of April is an inauspicious day)—the interests of minorities or even of badly-organised majorities will be safe?

Then, the last point I would like to put before the Council is this. Under the proposed constitutional change where will the responsibility rest? The Ministers are to be entirely responsible to the Council. Wherein will consist the responsibility of the members of the Legislative Council? Under the Act, the ultimate centre or responsibility is the voter. The voter has not been mentioned in any of the speeches, but I would ask the Council to pay particular attention to this, that it was the training of the voter which was the principal justification for this transitional period. It has often been claimed that it was the training of the Ministers or possibly even the training of the Council which was intended. The real object of the transitional period was the training of the voter to exercise responsibility which the Act proposed to place entirely on him. Can it be claimed that during the last 3 years the voter has been trained? The total number of voters who recorded their votes at the last general election was ·8 per cent. of the population of Bengal. If you confine the figure to the contested elections, the percentage of votes recorded to the population in these constituencies is ·85. The highest percentage in any constituency is 4·1, and the lowest ·2. Is it seriously maintained that the voter has deliberately given his verdict on the constitutional issue? I put aside the election cries of "'Swaraj' means no taxes," "your salt will cost you less." I put aside the deliberate campaign of stirring up hatred against Government, as Government, which will eventually recoil upon the responsible Government when it comes. I deny altogether that the present Government has been put on its trial at the last elections and been found wanting. Government has stood scrupulously aside from the elections. In fact, Government Servants Rules prevent them from letting others know how they propose to vote. If Government had taken part in the elections and used its weight in the same way as the Swaraj party used its weight——

Babu KHAGENDRA NATH GANGULY: Is the Hon'ble Member in order in saying that the Swaraj party used its weight in the elections?

Mr. DEPUTY PRESIDENT (Major Hassan Suhrawardy): I think the Hon'ble Member is in order.

The Hon'ble Sir HUGH STEPHENSON: I certainly thought that several members of the Swaraj party had weight. If Government had used its weight in the same way as the Swaraj party did, the result would have been different, but in that case we should not have been carrying out the instructions of Parliament regarding the training of voters. (Question, question!)

Can it be said, I repeat, that the constitutional issue was understood by the electorates, or that the electorates had the knowledge to pass a judgment on it? What will be the result, so far as the electorate is concerned, if this resolution is carried and immediate self-government is given on the 2nd April—someone has objected that the 1st April is an inauspicious day? It will place the power in the hands of a small oligarchy, should I be far wrong in saying "autocracy," and that oligarchy would in fact be responsible to no one.

Mr. BYMOKES CHAKRAVARTI: In every part of the world the Government is an oligarchy.

The Hon'ble Sir HUGH STEPHENSON: It will stereotype the powerlessness of the raiyat, the labourer and the lower middle classes and it will lead to a Government which will be more irresponsible than the present one. Instead of that, Government have offered and have honestly tried to work a far better solution, that is, the working of the present Act on an unified and not dyarchic basis. There are many advantages. In the first place, it involves no delay, we have been working it for the last 3 years; in the second place, it will help to remove the fears to which I have alluded above; and in the third place, it is subject to the test of actual experience, as it proves successful, it goes on until the Executive Members disappear out of the picture altogether. I contend, Sir, that this is a better system, but it is, one which can only be worked with the co-operation of the House.

[At this stage the Hon'ble the President returned to the Chair.]

I would ask the House to consider the points I have put before them, and to consider deliberately before they frame the message which they wish us to convey to Parliament.

Dr. PRAMATHANATH BANERJEA: As only 5 or 6 minutes are left, I do not wish to exercise my right of reply, but I move that the question be now put.

The motion being put, a division was taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Syyed Sultan.
Bagchi, Babu Romes Chandra.
Bahah, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. Ashiny Coomar.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Mr. Syamkes.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Narendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chaudhury, Maulvi Saiyed Abdur Reh.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dutta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Baroda Prosad.
Gafur, Maulvi Abdul.
Ganguli, Babu Khagendra Nath.
Goenka, Babu Badridas.
Haider, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prosad.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammed, Maulvi Bashar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Ray, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Ray, Mr Sateeswripati.
Roy, Raja Manilal Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalniranjan.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Hussayn Shaheed.
Taraifdar, Maulvi Raja Uddin.
Yasin, Maulvi Muhammad.

NOES.

Barton, Mr. H.
Barvey, Sir Willoughby.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Chotmuddin, Khan Bahadur Maulvi Md.
Cochran, Mr. A.
Cooper, Mr. C. C.
Cottle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Pyari Lal.
Dunn, Mr. T. O. D.
Ezzi, Mr. G. S.
Duval, Mr. H. P.
Emerson, Mr. T.
Fergusson, Mr. K. G. M.
Forrester, Mr. J. Campbell.
Hussaini, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Jackson, Sir George.
Jha, Mr. P. N.
Ali, Khan Bahadur Kazi Zahirul.
Khalik, Khan Bahadur Maulvi Abdurrauf.
Huntingford, Mr. G. T.
Huq, Maulvi Ekramul.
Huq, the Hon'ble Maulvi A. K. Fazl-ul.
Jones, Mr. J. A.
Lal Mahammed, Haji.
Lees, Mr. D. H.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, Mr. Provash Chunder.
Moberly, Mr. A. M.
Morana, Dr. H. W. B.
Morgan, Mr. G.
Nazimuddin, Khaja.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abdur.
Rees, Mr. G. F.
Sarkar, Maulvi Aftab Bahab.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Willis, Mr. Arthur d'Anyers.
Wilson, Mr. R. B.

The Ayes being 71 and the Noes 49, the motion was carried.

Motion for adjournment.

Kumar SHIB SHEKHARESWAR RAY: It is with a heavy heart that I rise to perform a duty which in no circumstances can be pleasant. Nay, it is positively painful to me when I feel called upon to condemn those for whom personally I cherish the warmest friendship; and from whom, in view of their past achievements, their countrymen were expecting so much. And it is still more sad that the very first public performance of our Hon'ble Ministers should have left them discredited before those in the Council, whose confidence they are enjoined to have. But why do I speak of the confidence of the members of this Council alone, the fate of one of them at the recent polls sufficiently declares the feelings of our countrymen.

Sir, for the satisfaction of the constitutionalists permit me now to examine the position of our Ministers. The Royal Instrument of Instructions issued to the Provincial Governors in December, 1920, under Royal Sign Manual commands the Governor to encourage the habit of joint deliberation so that the knowledge of the Ministers as to the wishes of the people may be at the disposal of the Executive Councillors; and it further commands that in considering the Ministers' advice due regard should be paid to their relations with the Legislative Council, and to the wishes of the people as expressed by their representatives therein.

By the attitude of the Government during the discussion on the release of Regulation III prisoners, it was clear that the Government had arrived at a distinct conclusion, and as we can never be led to believe that the Royal Instructions had not been adhered to, we must either conclude that His Excellency's Ministers' advice had not been followed or that His Excellency's Ministers had agreed *in toto* with the reserved half of His Excellency's Government, and had either failed in expressing or were wrong in expressing the wishes of the people. Our last surprise is proved correct and becomes a certainty when we further take into account the way in which two of the Ministers present voted on the resolution. They openly walked into the "No" lobby, with only 5 Indian elected members to keep them company, while the rest, i.e., 76 voted the other way. Then, Sir, when out of a total number of 139 Councillors, 76 had voted against them, how can they with any the least semblance of reason aspire to do their primary duty, viz., to express the wishes of the people? How can they even preserve the show of being the representatives of the elected members in the so-called Bengal Cabinet? Sir, the Ministerial apologists might come forward with their hollow talks about the reserved departments; I say hollow because of the Royal Instrument of Instructions; they might even trot out their old tales of united front; but what we expect in our Ministers as our representatives is boldness, candour, a spirit of freedom, loyalty to the fundamental

rights of the people, and ability to part with their posts, when honour and dignity would demand. Sir, even if we presume, that to our Ministers the question of the release of the political prisoners did not appear to be a matter of sufficient importance justifying their resignation, they could at least express their dissent by withholding their votes, a procedure which is even endorsed by the Joint Parliamentary Committee. But this too they did not care to do. Thus the only conclusion that we can draw is that the Ministers were in entire agreement with the Government. But as our trusted representatives in the Cabinet, to this they had not the least right. Just as the ordinary members in the Council have no right to their individual conscience, but must enthrone the wishes of their electors in its stead, so the Ministers can not have any individual will which is often dignified as conscience, but must bow down to the wishes of the majority of us here. If they do not, we can no longer have any confidence in them. To us they stand dismissed and discredited, stick though they might during His Excellency's pleasure, if to His Excellency it does not appear as a negation of all responsible Government.

Then, Sir, there is one point which though trivial ought to be cleared up. It so happens that at the present moment we have two Muhammadan Ministers, and in this connection our motives might be questioned in certain quarters, and efforts might, by designing persons be made to make our vote of censure appear as intended only for reducing the number of Muhammadan Ministers. It is therefore incumbent upon me to assure the House that no such communal question is contemplated by my motion. So far as the Swaraj Party is concerned, they are absolutely indifferent as to who constitute the Ministry; and as regards us of the Nationalist Party though this is perhaps the last occasion when I shall have the honour and privilege of speaking on behalf of that party, we do not mind even if all the Ministers are Muhammadans. We only want that the Ministers should work in the best interests of their Motherland and reflect and respect the feelings of the Council as a whole.

Sir, lastly, before I ask the Council to vote for my motion, I would like to state that it is not the outcome of any obstructionist move; on the contrary, it is mainly intended to show up the constitutional aspect, and how even under the present meagre reforms, no Minister has a right to flout the majority. And if a Minister ventures to go against the wishes of the majority, he can no longer lay any claim on their support but must forfeit their confidence and stand dismissed and disgraced.

Sir WILLOUGHBY CAREY: I have looked at this proposal from every point of view with the greatest care. In the light of similar happenings elsewhere and of the arguments there put forward, and of the statements there made by various members of Government, and

by responsible members of the Assembly and of the Councils I can only regard this repetition here of similar acts done elsewhere in spite of the disclaimer of the mover as merely an attempt at vexatious and irresponsible obstruction.

I had hoped that we of the Bengal Council, having here the active leaders of the Opposition Party, might have escaped this evidence of what I may describe perhaps without offence as bad taste, but certainly evidence of a narrow outlook. But no, the leaders either have not seen it like this which one regrets, or else have seen it, and have yet seen fit to allow it in spite of this which, if so, one regrets yet more as being an evidence of views still further removed from that sense of responsibility which one expects from the leaders of a large party, and a party which if you please is to-day, in spite of these and similar actions, aspiring to being considered suited for responsible self-government.

I hardly expect that they will admit a lack of discipline among their followers so I suppose it must be that this motion is put forward with their full accord.

May I here quote from the Premier's message to India of January the 6th which the *Statesman* has published in full to-day?—

> When an appeal is made to revolutionary methods, whether those methods are active force or passive force a reaction towards the opposite extreme is bound to come.

I would only here just in passing place emphasis upon the words "passive force" because it seems to me that in this motion we have an instance of such being applied, and it would not be to the benefit of any of us in Bengal that we should see the remainder of the picture as drawn by the Prime Minister brought into evidence in this Council and its Province. This is one reason why I trust that this House will not support this motion.

If therefore, secondly, it be said, as has been said by the mover and elsewhere, that the Ministers have not the confidence of the Council because they have not the majority, and that therefore they cannot know the feelings of the House, and cannot express the feeling of the House and of the public which it represents, or is supposed to represent to His Excellency the Governor, whose Ministers they are, then surely the remedy seems to lie in the hands of this House in seeing that they should have such a working majority as will enable them to carry on the business of the Province rather than in seeking to create for them difficult and impossible situations. These gentlemen, the Ministers, have responded to the call, whether willingly or unwillingly, whether with confidence or diffidence, at an undoubted time of need, and with their eyes well open to the difficulty, a difficulty which the Opposition are now seeking to enormously increase by their attitude and tactics. I have come to know them both and I assert that it is

a real sense of duty, and a genuine desire to assist the Province of Bengal that has induced these gentlemen to come forward and with their eyes open to take up this burden.

This may be said to be a hackneyed argument having been already used elsewhere, but truth because it is lasting, often becomes hackneyed, and in this case it is the truth and as such it should and must be given its full weight.

I quote here, if I may, from Sir Malcolm Hailey's recent speech in the Assembly:—

His Majesty's Government are sincerely convinced that the only hope for a satisfactory solution of the problem of the Government of India lies in the pursuance of the policy adopted in the Government of India Act They associate themselves with the Indian Party of constitutional progress towards responsible Government institutions but they believe that this aim can only be realised if that party will co-operate with the Government in enabling the Act of 1919 to be administered as efficiently as possible in the interests of good Government.

I emphasise the words "as efficiently as possible" and I ask, Sir, whether this motion is on the right lines towards helping these Ministers, or others, to administer *as efficiently as possible*, and whether it would not be better for this House to say that under present circumstances they will accord them very full support in doing the utmost that in them lies to carry on the Government of Bengal in their departments.

I would plead with the House not to be captured by noise. We have heard a lot as to the methods and means to be used to force early responsible self-government, and I take it, after, as I have said at the commencement, the most careful consideration of this motion from all points of view, that this is supposed to be one of the means. So far I have not seen, perhaps amongst the mass of other material I have overlooked it, any concrete, or even any tentative suggestions, from the Swaraj Party as to the methods of Government proposed in the event of the resignation of these Ministers.

It is a very distinct impression in my mind, after having read much in the Indian press and in the Calcutta English press, and after having listened now for some considerable time to debates in this Council and in the Assembly, that no such workable suggestions have been made. Only recently I was privileged to listen to the opening day's debate in Delhi on the Swaraj question and was again struck there with the lack of constructive suggestions I only mention this as a warning that the members of this House should not be captivated by well-sounding phrases and protestations, but that they should look behind them for the real underlying facts and motives. It is so easy to voice an idea but apparently not so easy to formulate a working policy. The members of the Opposition say that they are working on non-violent lines but is it so? Have they ever yet dissociated themselves, in spite of a request made to them in this House

to do so, from revolutionary and violent methods? We fear that we know the case to be otherwise. Does this sport of baiting the Government in these ways lead anywhere really?

I appeal therefore to the members of the Council to stand for ordered progress, and the welfare of the Province and of India, to give to these Ministers the necessary working majority to enable the Government to carry on, and to enable them personally to drive in a straight and deep line the plough to which they have set their hands.

Mr. A. F. RAHMAN: I have listened with great attention to the speech of the mover and I cannot help feeling that his advocacy suffers because he does not believe in his case. Very great care has been taken to show that the Kumar has no personal animosity against the two Ministers but a proposition like this debated in the abstract can never convince, though a good deal of enthusiasm may be added to the arguments. If it is suggested that a motion like this would have come in any case—that it is part of a plan of a party then it is futile to contend against it because the arguments would have been manufactured even before we were able to judge of the actions of the Ministers (hear; hear); but I understand that these two Ministers have been singled out because they did not vote with 76 members. Logically speaking the censure should have been directed against the entire Government; the subject on which the voting was taken does not belong to the departments administered by the Ministers and they have been singled out, I take it, because the Council wishes to show its power and have chosen two victims who are at their mercy. This is hardly fair and the conviction deepens on me that mankind is divided into two classes—the appointed and the disappointed and the arguments of the Kumar are indications of the penalty of appointment. It certainly is not just to take the earliest opportunity of expressing your want of confidence in those who have shown the greatest confidence in the sense of fairness of the House by accepting the responsibilities of office and the odiousness of it.

There is hardly any difference between the aims of those who support and those who oppose the Ministers. We admit the faulty working of the machinery of Government, but we believe that the Government of the country must be carried on while means are devised and invented to perfect it. The difference is simple but vital, and if this policy is pursued of condemning Ministers before they have been allowed an opportunity of exhibiting their capacities, a policy which can be compared to digging up a plant to see how it is growing, then I can conceive that all Ministers—present or future—will begin by losing confidence in themselves.

There is one other matter which is entitled to the serious consideration of this House. The two Ministers whose conduct has brought this anathema on their heads are recruited from a community which owes

its position in the Council to separate electorates. I do not doubt that the mover had no such intention in his mind, but the impression has been produced that the earliest opportunity has been seized in the Council of expressing its disapproval of two Muhammadan Ministers.

Kumar SHIB SHEKHARESWAR RAY: May I rise, Sir, to ask a question How caa I remove that impression? Can I do it by cutting my throat or by what?

Mr. PRESIDENT: It is quite impossible to say how you can get an impression out of the members' mind. He has got it there and I cannot possibly permit a surgical operation here for the purpose of removing it. (Laughter.)

Mr. A. F. RAHMAN: It is unfortunate I admit that the first resolution of this kind should seem to affect the Muhammadans alone—but there is the fact. Too often the reproach is levelled against the Muhammadans that they are a drag on the progress of this country: sound statesmanship would therefore demand that they should be brought up to the level of the sister community, so that Bengal can march forward and the goal of self-government attained. The Ministers have a great opportunity because, they can enact by legislation all that they desire for the uplift of their community rather than leave the process to the uncertain vagaries of a much explained pact. Every Muhammadan member of this Council should realise that he has heavy responsibilities towards the electorate that has sent him here; every vote cast against the Ministers would be construed as abandoning the chance that was offered to them. It would be felt that Muhammadans have no potentialities in themselves. Separate electorates and this much has been conceded even in the ultimate Swaraj—separate electorates would be meaningless if we are not able to safeguard our own interests, if by our own actions we stand condemned. It is contended that the opposition is against a system, that the Reforms are a diabolical invention that dyarchy should be ended, that the motion has no personal reflection. Admitting all these for the sake of argument, what happens? In the feverish struggle for constitution making the progress of Muhammadans would receive a set-back. We shall receive a good deal of political education but very little of political power. It will be said that I have introduced communal questions, that my arguments are reactionary and that I have defaced the picture of Indian unity. Such criticism is a pregnant comment on the position the Muhammadans occupy. You cannot represent your claims without provoking these impatient charges. There can be no unity between communities of unequal strength. In that case one gives assurance and the other makes sacrifices.

In the British Parliament a principle has been enunciated by the Labour Premier—that he is not going to accept a defeat in a division

as a want of confidence in the Government, that if the position of the Ministers has to be challenged, it must be done by a direct vote of censure. That principle is equally applicable here. Devout lovers of Parliamentary traditions may accept that as a precedent and satisfy their conscience. I am certain that no Muhammadan will let it be said of him that he subordinated his community's interests to the mere discipline of a party—that he failed to yield loyalty to his community at a critical time. (Hear; hear.)

Babu DEBI PROSAD KHAITAN: I feel that I should not give my silent vote on a question of this magnitude. I do not agree with the previous speakers that the motion that has been brought forward is the result of any racial prejudice (hear; hear), or that it is intended to deprive the Government of two Muhammadan Ministers; but, Sir, at the same time, I have failed to be convinced that the real reason for bringing forward this resolution is what was stated in the speech of the learned mover for whom I have certainly the greatest respect. In order to find out the reason that has persuaded him to bring forward this resolution, I think that we have got to go into the history of our political movements some months backwards rather than only a few days backwards. Sir, it is the avowed policy of the strongest party in this House, to which I have not the honour to belong, that they are out to mend or end the Reforms. It is their avowed policy that no elected member of this Council should accept any office under the Government, either as a Member of the Executive Council, or as a Minister. It is well known by this time that recognising that that party had the largest following in this House, His Excellency the Governor following the constitutional procedure, offered the Ministry to Mr. C. R. Das, for whom I have the greatest respect and admiration. But, having regard to the pledge that he had given to his constituency, having regard to the pledge that his followers had given to their respective constituencies, he felt that he would be unjust to himself, he would be unjust to his followers, and he would be unjust to his constituency if he accepted the Ministry. But, at the same time, we cannot fail to recognise the fact that by reason of his having refused to accept the burden of administration which it would be his duty to do as the leader of the largest party in the Council, he forced His Excellency to appoint his Ministers from some other parties which admittedly could not command a majority in the House. The next step taken by His Excellency, if the reports published are true, was to offer the Ministry to my esteemed friend Mr. Byomkes Chakravarti who had the next largest following in this House. Certain circumstances exist, which have not however been brought to light, as a result of which he also could not accept the Ministry. What in these circumstances could His Excellency do, but to appoint Ministers from the remaining members of the House, who admittedly at the same time

could not command a majority in this House? (Hear; hear.) I am glad that my friend (Kumar Shib Shekhareswar Ray) says: "Hear, hear." These are certainly admitted facts which nobody can deny. Having been brought into this difficult situation, Ministers were appointed and at once difficulties commenced to brood. Before the resolution, the voting against which my friend Kumar Shib Shekhareswar Ray refers to, was debated in this House, it was a notorious fact that some resolution was to be brought forward, asking the House to pronounce that it had no confidence in the Ministers. At that time, all the Ministers had not even been appointed (Question). Now, when these resolutions for the release of political prisoners, for the repeal of the repressive laws were debated, it was unfortunate that the Ministers, as admitted by Sir Willoughby Carey, either willingly or unwillingly, confidently or not confidently, voted against these resolutions. What influenced them to do this I cannot know, for I am not a thought-reader. It is for them to explain why they did it. But from their previous political career I know this that in their heart of hearts they cannot contribute to the proposition that persons should be sent to jail without a trial. It will certainly be interesting to hear what reasons led them to vote against these resolutions. But what I can perceive is, as happened in the last Council, Ministers had to vote in order to get rid of a difficult situation, namely, to get the support of a majority in the House on matters relating to transferred subjects; or else, as has already been expressly said by Sir Willoughby Carey, they could not possibly get enough support to carry their measures in this Council, or to carry on the government of the transferred departments. But whatever the reasons may be, the question is whether the opportunity is sufficient for this Council to declare that the House has no confidence in the Ministers. The resolutions, as has been pointed out by the hon'ble mover himself, were not the subject-matter of transferred departments; they belonged to the reserved side; and further than that, Sir, they related to actions that had been taken before this present Council came into existence. If the Ministers had done anything in the transferred departments contrary to the wishes of the majority of this House, certainly, Sir, I would be the first person to vote that the Ministers do not enjoy the confidence of this House. But on a slender reason like this, in the circumstances that have been created by the action of the leaders of the two biggest parties in this House, I feel, as one who believes in a constructive policy, as one who does not believe in ending the Reforms if it is not mended, as one who does not believe that the government of the Province should be carried on by certification, as one who does not believe in a reversion to autocracy that existed before the Reforms came into existence, that I would be failing in my duty to my Province which I love, to my country which I have the greatest heart to serve, if I were to vote for the motion that has been brought forward. (Hear; hear.)

MEMBER in charge of DEPARTMENTS of LAND REVENUE, IRRIGATION, and EUROPEAN EDUCATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan: I do not rise to justify the action of the Ministers in voting against the wishes of the majority of the Council, which is the subject-matter of this discussion, for I am sure that the Ministers have shoulders broad enough to reply and put forward arguments as to the responsibility under which they acted. What I wish to mention to this Council is this: I do not know if my friend, Kumar Shib Shekhareswar Ray, fully realised, when he brought forward this motion before the House, as to what lay behind a motion of this kind at the present juncture and with the formation of parties in the House at the present moment. There has been a good deal of hilarity about the expressions used by responsible officers of the Crown as to what is meant by negation of Government. May I say, Sir, that this motion does not simply mean in the picturesque language of Kumar Shib Shekhareswar Ray of the so-called dismissal of the present Ministers, but it means the first step at the present juncture to a possibility of the negation and perhaps the cessation of Legislative Councils? (Hear; hear.) If those who believe in the constitution that has been brought in under the Reforms Act of 1919, if those who believe that Swaraj or responsible Government or whatever nomenclature one may like to give it can be attained by constitutional methods, then they are running a very serious risk in the attitude they have taken up in regard to a vote of no confidence against the present Ministers in the Legislative Council. Now, Sir, I know, as you know yourself, as those of us present here in this Hall know, that rightly or wrongly, there is a large party with a considerable amount of influence based on a certain amount of terrorism—(Question)—who want to make it impossible for any one to shoulder the responsibility of Government, I would say in the transferred departments, because they have entered this Council to make Government as it exists impossible. I should like those among the Independents and Nationalists who still believe that there are potentialities in this Council for good (Hear; hear) to consider this aspect of the matter. For instance, my friend Babu Debi Prosad Khaitan, made an excellent argument on the very point that I had thought of bringing forward before you and the members of this Council, namely, as to what Government could do when it found that it was not possible to make the leaders of two of the most influential parties in the Legislative Council to accept the office of Ministers. It had to go to the minority and to select the men whom the Government thought would be able to carry on. Now, it has been argued seriously that because on these particular resolutions there was such a large majority that the Ministers had lost the confidence of the country by voting with Government, and that therefore they should resign. Of course, I admit that even in the old Council on the question at issue there was not very much difference between the attitude of the party that has now come in to the Council and those that we used to tabulate as moderates with a sprinkling of moderates with extreme views in the old Council. But, Sir, what

is the underlying fact? Is not the underlying fact this—that there is a body in this Council who do not even think like Dr. Pramathanath Banerjea, who is very much on the border line, who do not want the Reforms at all, who do not feel any confidence in the promises of Government, because in their eyes this Government is always likely to be a foreign Government? If that be the case, is it fair to accuse any Minister who has just come in, for the line that they took on a question which was before the Council? I say "No." I am not going to defend the Ministers' action in supporting the Government, because, as I have already said, they have got shoulders broad enough to do that; but what I do believe will weigh with a number of members of this Council is this: that underneath this resolution is the beginning of that programme of obstruction—(Cries of: "No; no")—to everything that the Government may bring up before this Council in the shape of Bills or Budgets. I hope I may be wrong, and the true prophet may rise out of Tahirpur in the district of Rajshahi. But I have had my say. I should like to sound a note of warning to those members who may be inclined to vote against the retention of the Ministers on grounds which are not such as to bear the light of truth.

[The Council was then adjourned for 15 minutes.]

[After the adjournment.]

Maulvi Md. ABDUL JUBBAR PAHLOWAN: While supporting the Kumar Sahib's motion, I cannot but feel pity for the Hon'ble Minister Mr. Fazl-ul Huq, who was a Nationalist. But I have no pity for the Hon'ble Mr. Ghuznavi who is a Hindu hater. One day he told me that I being a Muhammadan should not belong to the Swaraj Party as that party is nothing but——.

Mr. PRESIDENT: Order. Order: We are not discussing the personal character of the Ministers. You must not bring in personalities.

Maulvi Md. ABDUL JUBBAR PAHLOWAN: There are two classes of my countrymen. One class supports the aspiration of my countrymen for Swaraj and the other class wants to send them to jail and to the Andamans without trial leaving their poor wives and children to weep for ever. Are there any sons of the country who would support such people? I am lacking in education and so I do not find any word by which to call such persons. Sir, there are some members of the Council who are trying to make it a Hindu-Muhammadan question saying that if the Muhammadan Ministers are driven out, the Ministry will go into the hands of Hindus, and then Islam will be in danger. We the Muhammadan members of the Swaraj Party, know that there will be no such danger. If we can drive out Ministers we can also make Ministers. In place of two Muhammadan Ministers we may have two Muhammadan Ministers, if not three. But, Sir, apart from that, if we are to judge from the doubtful favours of Government to the Muhammadans, what do we find? I would ask my Muhammadan friends of the Council to remember the fate of the

late Nawab Salimullah. Where was the favour of Government at the time of the annulment of the Bengal partition? Sir, I believe my Hindu brethren because they are faithful. I know that at the time of Muhammadan rule there were faithful men like Man Sinha and Todar Mull and others. They served under the Muhammadans and they were faithful. But, Sir, under only 150 years of British rule what do we find? The Nizam of Hyderabad with whose help British rule was established in India was deprived of Berar. It was snatched away from his hands. Not only that. Take the case of the Sultan of Turkey. But I will not go so far. From what I have said my Muhammadan colleagues in the Council ought to understand their position. If they cannot understand now they will never understand it. Again I request the Members of the Council to stand by the country either to go to Heaven or Hell.

Maulvi EKRAMUL HUQ: I listened with rapt attention to the most eloquent, forceful and fierce speech of the Kumar Sahib. I am quite at one with my hon'ble friend, Mr. Khaitan, in believing that it was not any feeling against the Muhammadan community as represented in the persons of the two Ministers that led the Kumar Sahib to bring this motion. In the last portion of his speech the Kumar Sahib referred to this question and assured us as to his intentions. But this may remind most of us in the Council of the story of the boy and the plantains. A boy entered into the temple and when asked who was there, he promptly replied: "It is I, but I haven't eaten the plaintain." I wish that the Kumar Sahib had not read out that particular portion of his speech before the House giving us the assurance about his intentions. It is also likely that the dot on his forehead may terrify some Muhammadan member and make them believe that it was the ill-will towards the Muhammadans and that alone which made him say so.

Babu MANMATHA NATH ROY: Sir, should not these personal remarks be avoided?

Mr. ASHINY COOMAR BANERJEE: It is something like putting class against class.

Kumar SHIB SHEKHARESWAR RAY: I did not hear the speaker distinctly, but if he has referred to the sacred mark on my forehead; he must withdraw it.

Maulvi EKRAMUL HUQ: I withdraw the reference as I do not mean to offend.

Mr. PRESIDENT: There has been much introduction of personalities on both sides. The Maulvi Sahib must withdraw that reference.

Maulvi EKRAMUL HUQ: I withdraw it again, Sir.

There is one particular aspect to which I shall draw the attention of the House. It is this. In the last Council, times without number, we

went against the Ministry and we defeated them on many occasions. But, Sir, there was no stir among the members of the Council and no one came forward to move a vote of censure on them. But, Sir, to conclude this point I would say again that I do not for a moment believe that my friend had any intention of making this particular question a class question.

When the mover moved his resolution he made most of us believe that he and his party are the only persons who have been given the monopoly of wisdom, common sense and patriotism. Is it not possible that many persons in this House may hold quite different views—views quite contrary to those expressed by the members of the majority party and that they at the same time believe in them? What is it that should lead you to think that it was under pressure that a Councillor holds a particular view—it was with the desire to please particular individuals that they vote on a particular side? It is not charitable to think so. If things like this are done it will certainly lead most of us to believe that you want to practise terrorism on us, that you want that freedom of speech should be banished from this Council. But I hope the man who wants freedom should be the first to allow freedom to others. We should very much like that tolerantly we shall proceed with the business of the Council and we shall show each one of us that we are ready to hear their views and to ponder over them and then to decide for ourselves as to what we should do. Sir, the Ministers had the opportunity of knowing many things which are a sealed book to us. They have the opportunity to judge matters more minutely and to say before the House that they did not act up to their conscience seems rather monstrous. Instead of denouncing these Ministers, instead of holding them up to ridicule, instead of saying that they are the persons who do not hold confidence of the public, let us be tolerant with them as well as with each member of the Council and proceed with the business of making this Council a success. I think there are many of us who have come here not with a view to wreck the Council but as far as possible to make the Government change their heart on vital questions. We are here to try our best to see that more measures of freedom are granted to the people so that in course of a few years we may reach the goal that we have set before us, that is the goal of attaining self-government in the country. I hold that it is not by destruction or by acrimonious debates of this sort that we shall be able to attain that goal. On the other hand if we are to make the Ministers as well as the House together with the Members of the Executive Council accede to our reasonable demand in granting primary education to the children of the soil, in making them so educated as to enable them to understand their own interest and to give further funds towards this object, it is then and then only we shall be fit for the goal which we have set before us. At present what is the condition of the country. Most of our countrymen are grouping in the dark and they are not in touch with the knowledge of the outer world. Is is not our

duty to educate them properly? Is it not our duty to see that this Ministry, this Government provides sufficient money for education? Is it not our duty to see that the agriculturists who do not even get two meals a day do get sufficient whereby to improve their condition? They want help and we should not be here to break the Council, but we should strive to ameliorate their condition by moving for the amendment of the Tenancy Act and enact such other measures as would be in their favour. These are what we should do and we should be ready for that. We should not be here to condemn and denounce the action of the Ministers simply because they voted on a particular side. It is not by ending the Council but by mending it that we shall discharge our duties as representatives of the dumb millions.

Babu BEJOY KRISHNA BOSE: I move that the question be now put.

Mr. PRESIDENT: I cannot accept the motion without giving an opportunity to the Ministers to have their say. If I accept your motion, the Ministers will lose the opportunity. In all fairness they should be given the privilege of a hearing.

Mr. J. A. JONES: We seem to be living in an atmosphere in which all liberty is to be banned. It is only due to the ruling of the Chair that I am permitted to explain my views at this moment to the House. I confess I waited until this moment in the hope that some one would rise on the other side to explain with authority the views of that party. We have had two humorous deliverances and I congratulate both Mr. Das and Mr. Chakravorti upon the sense of comedy enjoyed by their followers.

Mr. C. R. DAS: It adds to the farcical effect.

Mr. J. A. JONES: However, we are dealing with serious subjects and it might be treated seriously. It is astonishing to my mind that the party opposite—the party of liberty—the party which is opposed to restrictions on the right of public meetings or professes to be the party which is in favour of the liberty of the press—the party which which is in favour of liberty of India—draws a line at the liberty of Ministers. Little by little, however, we are beginning to see what is meant by liberty on the opposite side and I gather that what is meant is liberty to obey the behests of the Swaraj Party. I gather from the reports that have appeared in the newspapers—I know the papers are not always trustworthy—I read in the *Forward* that a highly exciting and interesting meeting was held the other day at Bhowanipur. I gather from that report that the right of public speaking is gradually disappearing from the land.

Now comes the turn of the Ministers. Why, Sir, the Government of India Act, that product of a tyrannical Government, is twice, three times more liberal than Mr. Das and his followers. The Government of India Act leaves entire freedom to Ministers in their action towards the reserved

subjects. They are not obliged to vote with the Government. (A voice: "But they do.") They can refrain from voting but under the Swaraj régime that liberty is taken away from them. The whole object of this vote of censure is to tell us that the present Ministers are not worthy of the confidence of this House because they have the audacity to exercise independence of opinion upon a question on which they have a perfect right to form their own judgment. This is not my interpretation of the motion. It is the doctrine of the exponent of his party whom Mr. Das has put up, for the mover of the resolution has declared that in the interests of the Swaraj there must be a complete suppression of individual will and thought. The mover of the resolution thought it necessary to explain that he was animated by no hostility towards the Ministers as Muhammadans. I wonder why he thought it necessary to give that explanation. Who accused the Muhammadans of it? Was it because of some deep misgiving rankling in his bosom?

Babu BEJOY KRISHNA BOSE: Here is a leaflet in my hand which has been issued warning Muhammadan members of this Council of the grave danger they are running if they do not support the Muhammadan Ministers.

Mr. PRESIDENT: It has nothing to do with the subject-matter of the debate.

Babu BEJOY KRISHNA BOSE: As Mr. Jones has just referred to a certain statement of Kumar Shib Shekhareswar Ray which he had made, I want to show Mr. Jones the leaflet.

Mr. J. A. JONES: I am somewhat disturbed. However, I am glad to learn that the mover of the resolution was animated by some kind of document which satisfies him that his action might be represented as being against the Ministers as Muhammadans. This motion is directed against the two Ministers who have the instincts of the majority of Muhammadans for the maintenance of law and order that they are indicted before the House.

There is another consideration which I confess appeals to me. We have heard a great deal about a Pact—it has been explained away, it has been repudiated—and apparently no one is willing to admit its parentage. But there is a thing called a Pact and it provided for an extraordinary proportion of offices under Government to be allotted to Muhammadans. Now the proof of the pudding is in the eating and I am surprised when, by the dispensation of Providence, two Muhammadan Ministers have found themselves in the place of Ministers, the authors and supporters of the Pact are the first to cry out against them.

I do not disguise from myself the fact that behind the resolution, as the Hon'ble the Maharajadhiraja Bahadur of Burdwan has pointed out,

there is an attempt to destroy the system of Government established under the Government of India Act.

Mr. C. R. DAS: That's the right view.

Mr. J. A. JONES: Mr. Das contesses it. However, I know that it is useless to appeal to the other side to change their policy but I should not satisfy my conscience without expressing my great astonishment at their attitude. On a somewhat insignificant question we have been told by Mr. Nirmal Chandra Chunder that half a loaf is better than no bread at all. The whole policy of the Swaraj party at this moment is to declare that no bread is better than half a loaf. I can hope that in their midst there may be found some at any rate who at the last moment will reflect from what appears to me to be an impracticable folly.

Minister in charge of DEPARTMENTS of AGRICULTURE and INDUSTRIES and PUBLIC WORKS (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): This is a motion for the adjournment of the House which is virtually intended to express its want of confidence in the Ministers. Now I ask why? What have the Ministers done for which they have forfeited your confidence? We are told that it is because they voted on the side of Government in the matter of a resolution passed by the Council regarding the release of persons detained under Regulation III of 1818. Now, the main reason for which our friends opposite were impelled to demand the repeal of this Regulation was because it empowered Government to detain persons without giving them a trial. It appears to me that our friends opposite are actually acting in accordance with the principle of that Regulation by desiring to turn us out without giving us a trial. Now, is that fair, is that just? We have been entrusted with the administration of certain transferred subjects. We scarcely had time to unfold our policy much less to show by working out that policy whether we were able to discharge our duties to the satisfaction of the House, when without a hearing, without a trial, it is proposed that a vote of censure should be passed on us. Or is it because suspicion lurks in the minds of my friends opposite that we do not share their views as regards the attainment of Swaraj. Speaking for myself, I can say that I yield to none in my desire to see my country occupy her rightful place in the Valhalla of nations. The only difference is the methods we are pursuing to achieve that end. It seems to me at present that three methods are being employed to gain that object. There is evidently a section, whose methods tend rather towards the disturbance of their country's tranquillity than to the restoration of their country's liberty. They are so microscopically small that we can leave them out of consideration. Then there is a section who are so impatient that they wish to reach the top of the roof by one long jump, without caring to pause whether in that process they would run the risk of coming

to grief. Lastly, there is a third section who are equally desirous of reaching the roof as fast as they can, but are convinced that it can only be done safely and surely by going up the steps—

> Heaven is not reached at a single bound;
> But we build the ladder by which we rise;
> From this lowly earth to the vaulted skies.

I am convinced that the ideals of a true Englishman and a true Indian are one and the same, so far as this country is concerned. England's mission here is not that of everlasting enthraldom and of keeping us in perpetual darkness and of squeezing us until there was no more to squeeze. Her mission is a much nobler one. She is here to enlighten us and to guide us to a better goal. My friend the Kumar and Maulvi Pahlowan are apparently thirsting for our blood, although he has scarcely made out any case against us. May I point out to him that at present the Labour Party in England is entrusted with the Government of the Empire; although they have not a majority in the House. Yet, no conservative or liberal has come forward with a motion of no confidence against them.

The present motion may admit of two meanings: namely, either that the Council never placed its confidence in the present Ministers from the moment of their appointment by His Excellency the Governor, that they started with an initial prejudice against them, or that the Council did place confidence in the Ministers but that the latter have betrayed the confidence or have proved themselves unworthy of that confidence.

I cannot imagine that a section of this Council could be so unreasonable as to have started with an initial prejudice against the Ministers, and not to have given them a chance of earning their confidence. To start with an initial prejudice against the Ministers from the moment of their appointment and to say from the outset that they do not enjoy the confidence of the Council can only be characterised as most unjust. We are therefore led to the position that the Ministers have either done something or omitted to do something by which they have forfeited the confidence which they are expected to enjoy from the members of the Council. Now, Sir, before we speak of confidence or want of confidence in a Minister, I should like the Council to clearly understand what is meant by confidence in a Minister. The matter may be looked upon from three points of view, namely

(1) the common-sense point of view;

(2) the point of view of constitutional law: and

(3) the point of view of constitutional convention.

Now from a common-sense point of view confidence may be taken to mean a belief in the ability to manage the affairs which are entrusted

to a Minister. I submit that from this point of view the Council is not in a position to pronounce judgment on the Ministers for they have not yet been given an opportunity of showing their ability to manage the matters which they have been called upon to administer. Next, we come to the point of view of constitutional law. This is contained in the Government of India Act. There it is stated in section 52 that the Ministers are to be appointed by His Excellency the Governor and that in relation to transferred subjects, the Governor should be guided by the advice of his Ministers. A Minister, therefore, is bound to give the Governor such advice in relation to transferred subjects as will be compatible with the confidence which the Council reposes in him and if he fails to give such advice to the Governor or if he gives such advice in relation to transferred subjects which is not approved by the majority of the Council, then under the constitutional law, as specified in the Act, he would no longer enjoy the confidence of the Council. We have nothing further in the matter in the constitutional law itself as embodied in the Government of India Act.

Next we come to the question of constitutional convention. This Council has not yet been old enough to create its own convention, but the conventions, which should be observed in the administration under the Government of India Act, have been clearly stated in the report of the Joint Select Committee, which considered the Government of India Bill. Here it is laid down that Ministers should enjoy the confidence of the Council in the administration of the transferred subjects.

It is clear therefrom that "confidence" as reposed in the Ministers by the Council has a very definite and restricted meaning. It can only have reference to the subjects which the Ministers have been called upon to administer and can have reference to no other subjects. A Minister sitting in the Legislative Council has a double capacity. In the first place, there is his capacity as a member of the Council in which he represents his constituency to which he is answerable for his actions in the Council. If he has any definite mandate from his constituency on any subject he is bound to carry it out, but if he has no such mandate regarding a subject which comes up for discussion before the Council he must be held free to speak or vote according to his judgment and to presume that his constituency will support his judgment in such matter. Secondly, the Minister is responsible to the Legislative Council, but this responsibility does not extend to every action of his in the Council nor to every subject that is discussed in the Council. It only extends to the departments which are transferred to his charge for the purpose of administration. The Council has no power to give him a mandate on any subject which lies outside the departments which are so transferred. In regard to such subjects, therefore, a Minister is not bound under the constitution or under the constitutional conventions to ascertain what is the view of a majority of elected members of the Council or to vote with them.

Unless you accept the constitutional position you are landed in impossibilities and absurdities. For let us assume that the majority of the elected members pass a resolution to the effect that the Ministers should part their hair in a certain way or not part it at all or should come dressed in a certain way. Now, if the Ministers do not do either of these things or vote in favour of this resolution, would a section of the House in that case be justified in moving a vote of no confidence against them? Again suppose the majority of this Council thought that it would be good for this Province to do away with the entire police force and suppose they moved a resolution to that effect. Is a Minister to be considered bound to vote in support of such a resolution? I submit, Sir, that he is not so bound.

But this is practically what has happened. Resolutions were brought in in respect of certain reserved subjects with regard to which the position of Ministers according to the constitutional convention is explained in clause 6 of the Joint Select Committee Report. Here it is laid down that all matters of administration, whether relating to a reserved or transferred subjects, should be freely discussed at Joint Meetings of Members and Ministers. It further says that in all questions of common interest "it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration; and that it will equally be his duty to see that a decision arrived at on one side of his Government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous." Further, here in Bengal under His Excellency's sympathetic guidance we have gone a long step forward in the actual working of the constitution and an attempt is being made to conduct Government on the Unitary Cabinet system.

I do not forget that the Swaraj Party may not be inclined to respect the constitutional conventions, to which I have alluded, but I venture to submit that having sought and obtained admission to this Council under the constitution as defined in the Government of India Act, they are bound to respect this constitution so long as they are within the four walls of this Council Chamber. Not only are they bound to respect the constitution as defined in the Government of India Act, but they are also bound to respect the constitutional conventions which arise out of that Act.

Thus we have done nothing to forfeit the confidence of the Council. We have not had an opportunity of committing an act or even an omission which could be construed as a breach of our faith with the Council in the matters transferred to our charge. To ask the Council therefore to assent to a motion of this kind is to insult its intelligence.

Sir, we ask to be given only a fair chance. Give us a chance to earn your confidence by the administration of the subjects transferred to our charge. Give us a chance to unfold our policy in the transferred

subjects and we venture to hope that our policy is such as will command the confidence of even the members of the Council who appear unfortunately to have started with a prejudice against us, which is as unreasonable and unfair as it is unconstitutional.

We are fully aware of the defects of the system of Government by dyarchy. We may not hold identical opinions with our friends opposite, but we do admit that there are defects in the system of dyarchy which is only intended to be a transitional stage in the evolution of responsible Government.

Speaking for myself I may say that the subject which His Excellency has been pleased to make over to my charge is one to which I have been given life-long consideration, and it has always been my ambition to do something for my country for the great industry of agriculture, on the improvement of which not only the material condition of the people but their health and general welfare ultimately depend. His Excellency the Governor in placing me in charge of the subject has given me this opportunity, and I ask this House in common fairness to give me a chance of placing before it my considered proposals and of serving Islam and my country, and of promoting to the best of my power the interests of all communities in as much as I fully realise that it is by mutual co-operation on the part of all communities that India can attain real self-government.

[After the Hon'ble Hadji Mr. Ghuznavi had finished his speech, there were many requests for putting the closure.]

Mr. PRESIDENT: I am greatly surprised at these requests to put the question. I have always understood that in every Assembly in which a vote of no confidence is moved against Ministers the persons attacked are entitled, in common fairness, to a hearing in their defence.

Mr. ASHINY COOMAR BANERJEE: My idea is this: let this matter not be talked out. Cannot you give us another day to discuss this matter, Sir?

Mr. PRESIDENT: I cannot do that, and I must now ask the Hon'ble Mr. Fazl-ul Huq to speak.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Maulvi A. K. Fazl-ul-Huq): I am in this unfortunate position that I have not got a speech written out. I cannot therefore claim in a speech delivered offhand, to be able to return the warmth of language and feeling with which my friend the Kumar Sahib has referred to us in his speech. But all the same I must offer him my best congratulations on the notoriety which he must have achieved in being the first to launch an attack on the Ministerial Cabinet in Bengal. To him it does not matter whether this attack was justified or necessary. Most men, especially great men, never care for justifications or consequences. I again offer him my congratulations

because I find that in his case the promptings of patriotism have miraculously coincided with the dictates of intense selfish interests. (Cries of: "Order, order.") I agree that we should pause and consider the grave situation, not because some Ministers or Members have voted in a particular way, but because there are indications on all sides that there is a huge conspiracy to stifle liberty of every kind. (Cries of: "Dissent.") This is neither the time nor the occasion to dilate upon that but God willing—whether I remain a Minister or not, I will remain a member of this Council—I challenge anyone on the other side to say (if they can bear with me for a moment) that I cannot prove to the hilt that intimidation and terrorism of the worst type was rampant in the matter of collecting votes. You talk of a majority of votes. I know how that majority was obtained. Let there be voting by ballot and I will resign this very moment if the result of voting by ballot coincides with the open voting on those resolutions.

Kumar SHIB SHEKHARESWAR RAY: We accept the challenge.

[At this stage the Hon'ble the President left the Chamber and the Deputy-President took the Chair.]

The Hon'ble Maulvi A. K. FAZL-UL HUQ: I say in all seriousness that in the place of a white bureaucracy which the so-called patriots are pledged to turn out, we have got a brown autocracy which tries to enthral the rights and liberties of our countrymen. Now, Sir, we are being taken to task for having recorded our votes on the question of the repeal of Regulation III and the release of political prisoners. What is a vote? As I understand it a vote is an expression of opinion on a particular issue that may be the subject matter of discussion. The question was, whether Regulation III should be repealed or not. I admit that 76 members of this House said that the Regulation ought to be repealed and 45 members said that it ought not to be. I say, Sir, that, after all, it is a matter of expression of opinion, and as I understand the question now before the House, it is this that, we are to be pilloried because we expressed the opinion that we held and we expressed it in a particular way. (Cries of: "Since when.") We have been asked, why did we vote in that particular manner? I have not got enough time at my disposal to go into the details but I will say briefly what I have got to say on this point. In the first place, we voted in that particular way because we thought that the course we adopted was right. My friend Kumar Shib Shekhareswar Ray has said that the Ministers should act with boldness and candour. Sir, we voted in that particular way because we had the boldness and courage of our convictions. (Hear, hear.) I knew what it would cost us. (Cries of: "Rs. 64,000.") We knew that this resolution was coming; we knew that our seats and position would be threatened; we knew that there would be various placards all over the country; we knew that there would be articles in the newspapers and still we voted because

we thought that this was right and because we had the boldness necessary and courage of our convictions. In saying so, I submit that we exhibited a candour of the kind of which we need not be ashamed. (Applause and dissent.) We voted because we considered the case against the resolutions fully proved. It is a matter of opinion. Now, Sir, what is a proof? Even the Indian Evidence Act, on which so much reliance has been placed, does not require absolute certainty as the basis of proof. The element of probability enters into the definition of proof even in the Evidence Act. Let me quote the definition. A thing is said to be proved when the Court either believes it to exist or considers its existence so probable that a man with common caution would act on the supposition that it does exist. Let me take an illustration. I happen to know the Kumar Sahib's handwriting. Supposing——

Mr. C. R. DAS: May I point out that the quotation is an incorrect one. Has the Hon'ble Minister any right to quote a section from the Evidence Act incorrectly? He left out the word "prudent."

Mr. DEPUTY PRESIDENT: It is open to any member to say that the Minister is wrong if he thinks so, but he should do that in debate.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: Let the Evidence Act be brought here and I will prove that the quotation is quite correct in meaning, if not verbatim. I have handled the Act for the last 25 years.

Mr. ASHINY COOMAR BANERJEE: He is citing a section of the Evidence Act and giving illustration from his own opinion.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: I happen to know the Kumar Sahib's handwriting. Suppose I intercept a letter in the Kumar's handwriting in which he discusses with somebody in this Council, "A," for instance, a plan for the overthrow of the Ministry in Bengal. Should I not be justified in taking the letter to have proved three things: first, that there is a conspiracy; second, that the object of that conspiracy is the overthrow of the Ministry; and third that the Kumar and that man are involved in that conspiracy? Is it at all necessary that I should go through the elaborate process of a trial in the law courts with all the paraphernalia of cross-examination, pleaders and barristers on both sides to convince me of these few facts? No reasonable man would argue that in a matter like this we should go to a law court to test the evidence by cross-examination. If a reasonable man were to act on the supposition that these three things are proved, he will not be wrong.

[At this stage there was much interruption.]

I have been interrupted because they do not want to hear me. Sir, I claim to be heard. You talk so much of trials in law courts. How often have we not heard that unless a verdict is given in a particular

way, that the decision was a perfect sham and utterly unconstitutional? How often have we not heard that a judgment should be flouted and is not worth anything, unless it is given in a particular way? Will anyone give a guarantee, that if these cases are brought before a law court, that the party in opposition will accept the verdict of the law court? Will anybody give that guarantee? As soon as the cases are brought before a law court and judgment is delivered, it will be said that the judgment is not correct and must not be accepted. Now this is an example of the liberty that is going to be extended under the Swaraj.

[At this stage the Hon'ble the President returned to the Chair.]

I have mentioned two reasons why we voted in that particular way. There is a third reason. These resolutions in themselves are nothing; they are part of an elaborate programme with which I do not agree. The resolutions were brought forward because everyone knew that even if they were carried, Government would not be prepared to give immediate effect to them. Then that would be a signal for direct action; that would be the cause of action which is known to every lawyer. Therefore, since I did not agree with that programme, I thought myself justified in withholding my assent and approval to the initial steps. Had these resolutions stood alone, in all their innocence without any sinister background behind them, the question might have been different, but, Sir, looming large in the distance is the larger issue—

Mr. C. R. DAS: Is he in order in using the word "sinister"?

Mr. PRESIDENT: Very serious attacks have been made upon the Ministers. The Hon'ble Mr. Fazl-ul Huq is quite in order.

Mr. C. R. DAS: Do I understand, Sir, that the words "sinister background" are parliamentary?

Mr. PRESIDENT: It is a perfectly parliamentary expression.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: I do not remember what I was saying. They say that they are in the right; I say we the minority are in the right. Is this a single solitary instance in which the minority claim that they are acting in the right? What about our friends of the Swaraj Party? They were in the minority in entering the Council; that is to say, they have not the verdict of the majority in the country, for the verdict of the majority in the country is against entering the Council.

Mr. C. R. DAS: I rise to a point of order. Has the Hon'ble Minister any right to misquote facts? The facts are that we are in a majority.

Mr. PRESIDENT: That is a debating point. I am not expected to know anything about that.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: I am glad that the great leader of the Swaraj Party has pointed out to me the question of the votes polled and recorded at the general election. On that point I am prepared to meet him. What do we find? There are on the rolls of various electorates in Bengal 1,044,754 voters; out of this number the total number of voters who recorded votes at the polls was 3,57,544 which works out at 34 per cent. That, Sir, is a very small minority in itself, and the members who have been returned, secured the votes of only a fraction of that minority. We do not know what the majority would have to say on the questions which are now being raised and which were never raised at the elections. On their own showing, they do not represent the majority because no one knows the opinion of the great majority which kept aloof and whose considered opinion has yet got to be ascertained.

[*Continued interruption.*]

Mr. PRESIDENT: The Minister must be given a hearing. There has been much talk of law courts. Even a prisoner there is allowed to be heard.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: May I remind the House that even under the laws of a satanic Government, Gopi Mohan Shaha, the murderer of Mr. Day, was allowed to enter into his defence, and was allowed the benefit of a regular trial.

My second point is that in entering the Council my friends have not got the mandate of the Indian National Congress and on their own showing they do not represent the people.

Mr. C. R. DAS: Incorrect again.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: If it is incorrect they can attack me in their newspapers. My third point is that they have ceased to be non-co-operators. Babu Anilbaran Roy has admitted that they have suspended non-co-operation. So they have ceased to be non-co-operators, and on their own showing they have ceased to represent the views of the country. For the Muhammadan members we find that there is a further disadvantage that according to the Fatwa of 1921——

[Here the Hon'ble Minister reached his time-limit.]

Mr. J. CAMPBELL FORRESTER: I move that the Hon'ble Minister be given 5 minutes more.

Mr. PRESIDENT: I can only give him 15 minutes under the rules. I suppose those who interrupted him counted upon that fact and I cannot extend the time.

Kumar SHIB SHEKHARESWAR RAY: I move that the question be now put.

The motion was put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Remes Chandra.
Baksh, Maulvi Kader.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. Ashiny Coomar.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Mr. Byomkes.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Harendranath.
Chaudhuri, Maulvi Md. Nurul Haq.
Chaudhury, Maulvi Syed Abdur Rob.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dey, Babu Baroda Prosad.
Dutta, Babu Akhil Chandra.
Gafur, Maulvi Abdul.
Ganguli, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hossain, Maulvi Wahed.
Huq, Maulvi Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammed, Maulvi Bashar.
Maity, Babu Mahendra Nath.
Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Neogi, Babu Monmohan.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quadir, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Negendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sanker.
Roy, Mr. Satcowripati.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Nemanta Kumar.
Sarkar, Babu Nalniranjan.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Yasin, Maulvi Muhammad.

NOES.

Ahmed, Maulvi Tayebuddin.
Aley, Mr. S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Carey, Sir Willoughby.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Choinddin, Khan Bahadur Maulvi Md.
Chowdhury, Maulvi Fazlal Karim.
Cochran, Mr. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Cottle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Dand, Mr. H.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dass, Rai Bahadur Pyari Lal.
Dunn, Dr. T. G. B.
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Farequi, Mr. K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George.
Goenka, Babu Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Hussain, Khan Bahadur Maulvi Mucharrut.
Huntingford, Mr. G. T.
Huq, Maulvi Ekramul.
Huq, the Hon'ble Maulvi A. K. Fazl-ul.
Jones, Mr. J. A.
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Lal Mahammed, Hajji.
Lees, Mr. D. H.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
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Masih, Mr. Syed M.
McAlpin, Mr. M. C.
Mitter, Mr. Provash Chunder.
Moberly, Mr. A. N.
Morgan, Dr. H. W. B.

Morgan, Mr. G.
Mukerji, Mr. S. C.
Nazimuddin, Khaja.
Philip, Mr. A. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Rose, Mr. C. F.
Roy, Raja Manilell Singh.
Roy Chaudhuri, Mr. K. C.
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Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Tarafdar, Maulvi Rajb Uddin.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Willis, Mr. Arthur d'Anyers.
Wilson, Mr. R. B.

The Ayes being 63 and the Noes 64, the motion was lost.

Adjournment.

Mr. PRESIDENT: The period of two hours having elapsed the debate automatically terminates, without further question put. The Council stands adjourned till 3 P.M. on Tuesday, the 26th February, 1924, at the Town Hall, Calcutta.

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